

By Mr. PARSONS: Petition of the Domestic Circle, of New York City, for pure-food legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. WM. ALDEN SMITH: Petition of the First Congregational Church of Portland, Mich., for investigation of the conduct of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. SPERRY: Petition of citizens of New Haven, Conn., for bill H. R. 16548, for a judicial review of the fraud order by Post-Office Department—to the Committee on the Judiciary.

## SENATE.

TUESDAY, May 8, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. DUBOIS, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### LANDS IN NEW MEXICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office inclosing a report of the investigation of the contract for the sale of certain lands belonging to the Territory of New Mexico, and stating that Congress alone has the power to enforce the conditions of the grant; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 2140. An act to authorize the Postmaster-General to dispose of useless papers in post-offices;

S. 2801. An act to withhold from sale a portion of Fort Brady Military Reservation, at Sault Ste. Marie, Mich.;

S. 3436. An act to provide for the settlement of a claim of the United States against the State of Michigan for moneys held by said State as trustee for the United States in connection with St. Marys Falls Ship Canal;

S. 3522. An act to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905;

S. 5203. An act granting to the Chicago, Milwaukee and St. Paul Railway Company, of Montana, a right of way through the Fort Keogh Military Reservation in Montana, and for other purposes;

S. 5537. An act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska;

S. 5572. An act to amend section 4348 of the Revised Statutes, establishing great coasting districts of the United States;

S. 5796. An act to authorize the construction of a bridge across the Missouri River and to establish it as a post-road;

S. 5890. An act to authorize the South and Western Railroad Company to construct bridges across the Clinch River and the Holston River, in the States of Virginia and Tennessee;

S. 5891. An act to authorize the South and Western Railway Company to construct bridges across the Clinch River and the Holston River, in the States of Virginia and Tennessee; and

S. 5943. An act to authorize the Minnesota, Dakota and Pacific Railway Company to construct a bridge across the Missouri River.

The message also announced that the House had passed the bill (S. 1975) granting an increase of pension to Mary E. Dugger, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

S. 2202. An act for the relief of certain entrymen and settlers within the limits of the Northern Pacific Railway land grant;

S. 2296. An act restoring to the public domain certain lands in the State of Minnesota;

S. 4094. An act to amend section 4426 of the Revised Statutes of the United States—regulation of motor boats;

S. 4976. An act to grant certain land to the State of Minnesota to be used as a site for the construction of a sanitarium for the treatment of consumptives;

S. 5498. An act granting additional lands from the Fort Douglas Military Reservation to the University of Utah; and

S. 5683. An act to provide for the removal of derelicts and other floating dangers to navigation.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 13783) to provide souvenir medallions for the Zebulon Montgomery Pike Monument Association.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 4546. An act ceding to the city of Canon City, Colo., certain lands for park purposes;

H. R. 5290. An act providing for the allotment and distribution of Indian tribal funds;

H. R. 7065. An act to amend section 858 of the Revised Statutes of the United States;

H. R. 8976. An act to change the line of the reservation at Hot Springs, Ark., and of Reserve avenue;

H. R. 10106. An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii;

H. R. 10133. An act to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe, and to adjust the existing claims between the two branches as to said annuities;

H. R. 11787. An act ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School, at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905;

H. R. 13543. An act for the protection and regulation of the fisheries of Alaska;

H. R. 14410. An act to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park;"

H. R. 14968. An act to amend the internal-revenue laws, so as to provide publicity of its records;

H. R. 15078. An act granting to the Ocean Shore Railway Company a right of way for railroad purposes across Pigeon Point Light-House Reservation, in San Mateo County, Cal.;

H. R. 15095. An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations;

H. R. 16307. An act authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana;

H. R. 16672. An act to punish cutting, chipping, or boxing of trees on the public lands;

H. R. 17114. An act to provide for the disposition under the public land laws of the lands in the abandoned Fort Shaw Military Reservation, Mont.;

H. R. 17127. An act to provide for the subdivision and sale of certain lands in the State of Washington;

H. R. 17411. An act for the resurvey of certain townships in the State of Nebraska;

H. R. 17948. An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings;

H. R. 17982. An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone line across said reservation;

H. R. 18204. An act to authorize the Northampton and Halifax Bridge Company to construct a bridge across the Roanoke River at or near Weldon, N. C.;

H. R. 18328. An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas;

H. R. 18330. An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa;

H. R. 18435. An act to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shellfish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland;

H. R. 18439. An act to authorize the construction of a bridge across the Tallahatchie River, in Tallahatchie County, Miss.;

H. R. 18443. An act to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900;

H. R. 18502. An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto;

H. R. 18536. An act providing for the subdivision of lands entered under the reclamation act, and for other purposes;

H. R. 18713. An act to validate certain certificates of naturalization;

H. J. Res. 118. Joint resolution accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof; and

H. J. Res. 134. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind.

The message also announced that the House had passed a concurrent resolution requesting the President of the United States to return to the House the bill (H. R. 8948) entitled "An act granting an increase of pension to John W. Hammond;" in which it requested the concurrence of the Senate.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Manufacturers' Club of Fort Wayne, Ind., praying for the removal of the internal-revenue tax on denatured alcohol; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Durant, Choctaw Nation, Ind. T., praying for the enactment of legislation for the removal of restrictions on the right to alienate land in the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented the petition of Liliuokalani, ex-Queen of the Hawaiian Islands, praying for the consideration of her claim before Congress; which was referred to the Committee on Claims.

He also presented a petition of the Manufacturers' Club of Fort Wayne, Ind., praying for the enactment of legislation to remove the duty on denatured alcohol; which was referred to the Committee on Finance.

Mr. PLATT presented a petition of the National Bank of Rochester, of the Traders' National Bank, and of the National Bank of Commerce, all of Rochester, in the State of New York, praying for the enactment of legislation to amend section 5200, Revised Statutes of the United States, relating to national banks; which was ordered to lie on the table.

He also presented a petition of Local Council No. 37, Junior Order of United American Mechanics, of Riverhead, N. Y., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. SCOTT presented a petition of Harmon Grange, No. 151, Patrons of Husbandry, of Ashton, W. Va., praying for the enactment of legislation to remove the duty on denatured alcohol; which was referred to the Committee on Finance.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Aurora, Monmouth, Manito, Harvey, Rockford, Freeport, Elgin, Hoopston, Batavia, Moline, and Racine, all in the State of Illinois, praying for the enactment of legislation to remove the duty on denatured alcohol; which were referred to the Committee on Finance.

Mr. DUBOIS presented a petition of the Woman's Interdenominational Missionary Union of the District of Columbia, praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Interdenominational Missionary Union of the District of Columbia, praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Interdenominational Missionary Union of the District of Columbia, praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

Mr. BURKETT presented a petition from the Nebraska Federation of Women's Clubs, praying for an investigation into the industrial condition of the women of the country; which was referred to the Committee on Education and Labor.

Mr. RAYNER presented a petition of sundry citizens of the State of Maryland, praying for the enactment of legislation to remove the duty on denatured alcohol; which was referred to the Committee on Finance.

Mr. ELKINS presented a memorial of Shattuck & Jackson Company, of Parkersburg, W. Va., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented the petition of J. L. Springston, of Vland, Ind. T., praying for the enactment of legislation granting relief for certain conditions existing in the Indian Territory; which was referred to the Committee on Indian Affairs.

He also presented a memorial of Bluestone Council, No. 110, United Commercial Travelers, of Bluefield, W. Va., remonstrating against the enactment of legislation to consolidate third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry pharmacists and physicians of Jefferson County, W. Va., praying for the enactment of legislation to amend certain sections of the Revised Statutes relating to patents; which was referred to the Committee on Patents.

#### REPORTS OF COMMITTEES.

Mr. McCUMBER (for Mr. PATTERSON), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 718) granting an increase of pension to Hamilton D. Brown;

A bill (H. R. 18005) granting a pension to Emily Compton;

A bill (H. R. 18006) granting an increase of pension to Martha J. Bass;

A bill (H. R. 4363) granting an increase of pension to Thomas D. Campbell;

A bill (H. R. 4388) granting a pension to Laura Hilgeman;

A bill (H. R. 4625) granting an increase of pension to Anderson J. Smith;

A bill (H. R. 10246) granting an increase of pension to John Harrison;

A bill (H. R. 12088) granting an increase of pension to Louisa Spielman;

A bill (H. R. 15152) granting an increase of pension to Mary T. Corns; and

A bill (H. R. 15886) granting an increase of pension to John Misner.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (H. R. 5217) for the relief of Agnes W. Hills and Sarah J. Hills, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5559) granting an increase of pension to Ann H. Crofton;

A bill (S. 5969) granting an increase of pension to Franklin Burdick; and

A bill (S. 4372) granting an increase of pension to Emily P. Hubbard.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4719) granting an increase of pension to John Joines;

A bill (H. R. 2155) granting an increase of pension to William H. Smith;

A bill (H. R. 10525) granting an increase of pension to Artemas D. Many;

A bill (H. R. 10524) granting an increase of pension to Ebenezer W. Akerley;

A bill (H. R. 13809) granting an increase of pension to James P. Tucker;

A bill (H. R. 14237) granting an increase of pension to Isaac Kindle;

A bill (H. R. 15206) granting an increase of pension to Peter G. Thompson;

A bill (H. R. 15565) granting an increase of pension to Josias R. King; and

A bill (H. R. 17635) granting an increase of pension to George Willy.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the bill (S. 5986) for the establishment of a fish-cultural station in the State of Florida, reported it without amendment, and submitted a report thereon.

Mr. PILES, from the Committee on Territories, to whom was referred the bill (S. 5901) to extend the time for the completion of the Alaska Central Railway, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5804) granting an increase of pension to Joseph A. Noyes;

A bill (H. R. 4406) granting a pension to Albert M. Ryan;

A bill (H. R. 5732) granting an increase of pension to Elias C. Kitchin;

A bill (H. R. 8547) granting an increase of pension to John W. Madison;

A bill (H. R. 10319) granting an increase of pension to Harvey Deal;

A bill (H. R. 14490) granting an increase of pension to Martha A. Kenney;

A bill (H. R. 15275) granting an increase of pension to Jehu Martin;

A bill (H. R. 15450) granting an increase of pension to Virginia J. D. Holmes; and

A bill (H. R. 16193) granting an increase of pension to Daniel Shrader.

Mr. ALDRICH, from the Committee on Interstate Commerce, to whom was referred the bill (H. R. 14604) forbidding the importation, exportation, or carriage in interstate commerce of falsely or spurious stamped articles of merchandise made of gold or silver or their alloys, and for other purposes, reported it with amendments.

#### CHARLES HUNSLEY.

Mr. McCUMBER. From the Committee on Pensions I desire to make an additional oral report, merely announcing the death of the beneficiary of the bill (S. 5798) granting an increase of pension to Charles Hunsley. The bill is on the Calendar, and I move that it be indefinitely postponed.

The motion was agreed to.

#### BILLS INTRODUCED.

Mr. CLARK of Wyoming introduced a bill (S. 6064) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WETMORE introduced a bill (S. 6065) granting an increase of pension to Ellen M. Dyer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6066) for the relief of ship keepers at the Mare Island Navy-Yard, Cal.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6067) to reimburse the State of California for moneys expended in placing at the disposal of the United States 18,715 volunteer troops between 1861 and 1865; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6068) to correct the military record of Conrad Hyne; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McLAURIN introduced a bill (S. 6069) for the relief of the estate of Mary F. Birdsong, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FOSTER introduced a bill (S. 6070) for the relief of Mrs. Gabriel Le Breton Deschappelles; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURKETT introduced a bill (S. 6071) granting an increase of pension to George W. Patton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 6072) for the relief of the trustees of Ebenezer Methodist Episcopal Church South, of Hampton County, S. C.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6073) for the relief of the trustees of the Baptist Church of Hardeeville, S. C.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FLINT introduced a bill (S. 6074) for the relief of the State of California; which was read twice by its title, and referred to the Committee on Claims.

Mr. CRANE introduced a bill (S. 6075) to regulate the salaries of letter carriers in free-delivery offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WARNER introduced a bill (S. 6076) granting an increase of pension to John McKnight; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6077) granting a pension to William H. Tate; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRAZIER introduced a bill (S. 6078) granting an increase of pension to Elijah B. Hudson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6079) for the relief of Mrs. George M. Goodwin; which was read twice by its title, and,

with the accompanying papers, referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 6080) granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6081) for the relief of the heirs of David H. Strother, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6082) for the relief of Stephen A. West; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6083) granting a pension to George W. Johnson; and

A bill (S. 6084) granting an increase of pension to John K. Whitford.

Mr. McCREARY introduced a bill (S. 6085) making an appropriation for the construction of locks and dams numbered 12 and 13 on the Kentucky River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6086) making an appropriation for the construction of dams at Lock No. 1, Tug Fork, and Lock No. 1, Levisa Fork, of the Big Sandy River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6087) granting an increase of pension to Sallie B. Welch; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6088) for the relief of the Madison Female Institute, of Richmond, Ky.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6089) for the relief of the Cumberland Presbyterian Church, of Russellville, Ky.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FLINT introduced a joint resolution (S. R. 54) authorizing a change in the weighing of the mails in the fourth section; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

#### PUBLIC BUILDING AT VERSAILLES, KY.

Mr. SCOTT. Before the morning business is closed, I should like to call up, by unanimous consent, the bill (S. 4956) to provide for the purchase of a site and the erection of a building at Versailles, in the State of Kentucky. I am sure there is not a Senator on this floor who will object to the bill when he knows the character of it.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, after line 5, to strike out the following words:

No money shall be used for the purpose mentioned until a valid title to the site of said building shall be vested in the United States, nor until the State of Kentucky shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

So as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including heating and ventilating apparatus, for the use and accommodation of the United States post-office and other Government offices, in the city of Versailles and State of Kentucky, the cost of said site and building, including said heating and ventilating apparatus, complete, not to exceed \$25,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### STATUE OF GOVERNOR STEVENS T. MASON, OF MICHIGAN.

Mr. ALGER. I ask unanimous consent for the present consideration of the joint resolution (S. R. 47) granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan.

The Secretary read the joint resolution; and there being no

objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to deliver to the governor of the State of Michigan six bronze or brass condemned cannon, to be used to make a life-size statue of Stevens T. Mason, late governor of Michigan.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FORTIFICATION OF PURE SWEET WINES.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (H. R. 15266) to amend existing laws relative to the fortification of pure sweet wines.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. SCOTT. Is there a report from the Department on the bill? If there is, I should like to have it read.

Mr. TILLMAN. Mr. President, I ask that the unfinished business be laid before the Senate.

The VICE-PRESIDENT. Does the Senator from South Carolina object to the present consideration of the bill just read?

Mr. TILLMAN. There seems to be some trouble about its going through.

Mr. FLINT. It comes with a unanimous report from the committee.

Mr. ALDRICH. I do not think there is any trouble about the bill. It has been very carefully considered both by the committee and by the Department.

Mr. STONE. I object to the consideration of the bill.

The VICE-PRESIDENT. Objection is made.

#### ENTRY OF LANDS UNDER RECLAMATION ACT.

Mr. DUBOIS. I ask the Senator from South Carolina to allow a House bill which came over to be taken up.

The VICE-PRESIDENT. The Chair will state to the Senator from South Carolina that the morning business has not yet been closed. The Chair will lay the unfinished business before the Senate as soon as the morning business is concluded. The Chair lays before the Senate a bill from the House of Representatives:

H. R. 18536. An act providing for the subdivision of lands entered under the reclamation act, and for other purposes, was read twice by its title.

Mr. DUBOIS. I move that section 3 of the bill be stricken out and that the following be inserted. I will say to the Senate—

The VICE-PRESIDENT. The Chair will state that the bill is not before the Senate. Does the Senator from Idaho wish the present consideration of the bill?

Mr. DUBOIS. I ask for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. KEAN. Has the bill been reported by a committee of the Senate?

The VICE-PRESIDENT. It has not been.

Mr. DUBOIS. I will say to the Senator from New Jersey that the Senate has passed a bill on the same subject as the third section, and the House committee has unanimously reported in favor of the same bill.

Mr. KEAN. Then a bill on the same subject has been reported by the Senate committee?

Mr. DUBOIS. Yes. I will ask the Senate to substitute the bill which has passed the Senate for section 3, and then it will go into conference.

Mr. TELLER. This is a pretty important bill, and it seems to me it is hardly wise to put the bill into conference without some examination on the part of the Senate.

Mr. DUBOIS. I will say to the Senator from Colorado that the Senate committee has had a similar bill under consideration and has passed one bill covering entirely section 3, which same bill has been reported unanimously by the House committee. However, I have no objection to its going to the committee except that it will delay it.

Mr. TELLER. Mr. President, what we are just now in danger of in the West is too much legislation on this very question. We are threatened with very dangerous legislation, and if the Department or some portion of the Department, which have the Reclamation Service in charge, have their way there is not an intelligent man in the West who in two years will not regret that the Government ever touched this question. I do not know whether this bill is objectionable or not, but I think we are entitled to have an opportunity to examine these bills. Therefore I am going to insist that the bill shall go to the com-

mittee for action, and that we shall be given an opportunity to be heard if we have any objection to it.

Mr. KEAN. Let us have the regular order, Mr. President.

The VICE-PRESIDENT. Does the Senator from Idaho suggest that the bill be referred to the Committee on Irrigation?

Mr. DUBOIS. To the Committee on Irrigation.

The VICE-PRESIDENT. The bill will be so referred.

#### REMOVAL OF DERELICTS, ETC.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5683) to provide for the removal of derelicts and other floating dangers to navigation, which were in line 4, after the word "constructed," to insert a comma and the words "at a cost not to exceed \$250,000," and to strike out all of section 2.

Mr. FRYE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

#### LANDS IN MINNESOTA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2296) restoring to the public domain certain lands in the State of Minnesota, which was, on page 1, line 7, after the word "lots," to strike out "five and six" and insert "one, two, three, four, five, six, seven, eight, and nine."

Mr. NELSON. I move that the amendment be concurred in.

The motion was agreed to.

#### SANITARIUM IN MINNESOTA.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4976) to grant certain land to the State of Minnesota to be used as a site for the construction of a sanitarium for the treatment of consumptives.

The amendments of the House were, in line 3, to strike out all after "Minnesota" down to and including "consumptives," in line 5.

In line 8, to strike out all after the word "That" down to and including "States," in line 11, and insert "said State shall pay therefor at the rate of \$1.25 per acre."

Mr. NELSON. I move that the amendments of the House be concurred in.

The motion was agreed to.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. SUTHERLAND submitted an amendment proposing to appropriate \$6,000 for alterations in and additions to the public building at Salt Lake City, Utah, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FLINT submitted an amendment authorizing the Postmaster-General, on account of the earthquake calamity in California, to use the average daily weight of mails for a period of not less than thirty successive working days ascertained during the period from February 20 to April 17, 1906, in adjusting the compensation on all railroad routes in the fourth section, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On April 27:

S. 5520. An act to amend an act entitled "An act granting to the Choctaw, Oklahoma and Gulf Railroad Company the power to sell and convey to the Chicago, Rock Island and Pacific Railway Company all the railway property, rights, franchises, and privileges of the Choctaw, Oklahoma and Gulf Railroad Company, and for other purposes," approved March 3, 1905.

On May 7:

S. 956. An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska.

#### REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT. Are there concurrent or other resolutions? If not, the morning business is closed, and the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. WARNER. I send an amendment to the desk to be read.

The VICE-PRESIDENT. There is a pending amendment to the amendment.

Mr. WARNER. I will ask that the amendment be read.

The VICE-PRESIDENT. Without objection, the amendment proposed by the Senator from Missouri will be read by the Secretary.

The SECRETARY. After the last line of the substitute of the senior Senator from Texas [Mr. CULBERSON] for the amendment of the senior Senator from Ohio [Mr. FORAKER] insert:

It shall be the duty of carriers engaged in interstate commerce to give like accommodations to all persons paying the same compensation for interstate transportation of passengers.

The VICE-PRESIDENT. The amendment to the amendment will lie on the table.

Mr. HOPKINS. I desire to make a motion to reconsider the vote by which the amendment found on page 6497 of the Record was adopted. It reads as follows:

In line 5 of the proposed amendment, after the word "water," insert "at any place within the jurisdiction or within the governmental authority of the United States."

I will state to the Senate that this amendment was proposed by the senior Senator from Alabama [Mr. MORGAN] and was adopted. I desire to make a motion to reconsider it; and as I see he is not in his seat, I will let the motion be pending until he comes into the Chamber.

The VICE-PRESIDENT. The motion to reconsider will be entered. The pending question is on the amendment proposed by the Senator from Mississippi [Mr. McLAURIN] to the modified amendment of the Senator from West Virginia [Mr. ELKINS]. The Secretary will read the amendment to the proposed amendment.

The SECRETARY. In line 4 of the proposed substitute, after the word "commerce," insert the words "as a common carrier of articles and commodities of its own production, mining, or manufacture."

Mr. ALDRICH. I ask that the original amendment be read as it would read if amended.

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from Rhode Island.

The SECRETARY. Add at the end of section 1 the following proposed substitute offered by the Senator from West Virginia [Mr. ELKINS], which if amended by the Senator from Mississippi [Mr. McLAURIN] would read as follows:

It shall be unlawful for any common carrier engaged in producing, manufacturing, buying, furnishing, or selling, directly or indirectly, coal, coke, or any other commodity, to engage in interstate commerce as a common carrier of articles and commodities of its own production, mining, or manufacture: *Provided*, That nothing in this act shall be construed to prevent a carrier from mining coal or producing other commodities exclusively for its own use.

Mr. McCUMBER. I think, Mr. President, everyone is agreed that we should absolutely divorce our railways as common carriers from engaging in any character of business in competition with any person, firm, or corporation. Being agreed upon that, then we are brought face to face with this proposition. Under the bill, or under the amendment, as it now stands, in my opinion, it would be clearly unconstitutional. Suppose that a company in the State of Maryland, under the laws of that State, engages, as it has a right to engage, in the mining and selling of products purely within that State. That being the case, is it possible for Congress to enact a law which would forfeit the right of that company to do an interstate-commerce business in property that it is not buying or selling within the State? Any prohibition such as is contained in the provision of the amendment of the Senator from West Virginia would, in effect, take this private property of the carrier without due process of law, in my opinion, and it would be absolutely unconstitutional.

What the Senator, I presume, really wants to secure, and what we all wish to secure, is an amendment that will prohibit railway companies as much as possible from engaging in interstate commerce in articles of their own production. That may be obtained, it seems to me, by a very few words, much less than are contained in the amendment offered by the Senator from Mississippi to the amendment. Suppose that the provision should simply read this way:

Any common carrier under the provisions of this act is prohibited from engaging in marketing or selling any coal, coke, or other commodity entering into interstate commerce.

That is a simple proposition. He would be prohibited from entering into that business only, if entering into it, he engaged in interstate commerce in connection with it. That would bring it under the interstate-commerce clause of the Constitution and the authority of Congress to deal with it. It is a simple propo-

sition and covers entirely what is desired by the Senator from West Virginia. The proposition is in a very few words:

Any common carrier under the provisions of this act is prohibited from engaging in marketing or selling any coal, coke, or other commodity entering into interstate commerce.

That would leave the company free to engage in that business in the State which allowed the company to so engage. It would prohibit the company from engaging in the sale of any commodity which would enter into interstate commerce. It would be comprehensive and, at the same time, simple, clear, and definite.

Mr. HOPKINS. Does the Senator offer that as an amendment to the substitute?

Mr. McCUMBER. I can not offer it as an amendment now, because I understand that one amendment to the amendment is pending, and I simply present it as a suggestion. I will ask the Chair whether an amendment would at this time be in order?

The VICE-PRESIDENT. The Chair is of opinion that it is not now in order.

Mr. McCUMBER. It was my opinion that it is not now in order.

Mr. ALDRICH. I suggest that the amendment of the Senator from North Dakota be read for the information of the Senate.

Mr. McCUMBER. I send it to the desk.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. As a substitute for the amendment just read, at the end of section 1, in lieu of the matter proposed to be inserted, add the following:

Any common carrier under the provisions of this act is prohibited from engaging in marketing or selling any coal, coke, or other commodity entering into interstate commerce.

The VICE-PRESIDENT. The Chair understands that the amendment of the Senator from North Dakota is in the nature of a substitute for the amendment of the Senator from West Virginia.

Mr. McCUMBER. Yes.

The VICE-PRESIDENT. The Chair would suggest, then, that after the amendment of the Senator from West Virginia has been perfected by its friends the proposed substitute of the Senator from North Dakota will be in order.

Mr. DRYDEN. Mr. President, I wish to ask the Senator from West Virginia whether there is any provision in the bill as to the time when his amendment, if adopted, will go into operation and become effective upon the railroads? I will state the point of my inquiry. The carrying of coal to the markets from the mines has to be done by these carrying companies. If it be true, as is commonly believed, that the carrying companies own property valued perhaps at hundreds of millions of dollars, and that the only way the public can get the coal is through these companies, there should be, in my judgment, a time set for the operation of this law to go into effect. If not, two things are sure to result: First, an enormous injustice to the carrying companies and all the holders of their securities, and, second, tremendous distress to the public, because if these companies are shut off without proper notice and without due time for the disposal of their property the public will be positively unable to get the coal which they must have for their use. Now, is a reasonable time limit set for the operation of the law to take effect? If not, should it not be done? I should like to ask the view of the Senator from West Virginia on that point.

Mr. ELKINS. In the original draft of the amendment under discussion, and which I drew—

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. DRYDEN. Certainly.

Mr. TELLER. I think we are entitled to know what is going on in the Senate, and unless Senators speak louder than they have been speaking, with the noise there is, we might as well retire to the cloakroom.

Mr. DRYDEN. I have asked a question of the Senator from West Virginia.

Mr. TELLER. I have not heard a word the Senator from New Jersey has said, and I have listened intently.

Mr. DRYDEN. The point of my inquiry, I will say to the Senator from Colorado, is whether there is any provision in the bill to set a time when the bill shall go into operation if it becomes a law, and particularly with reference to the amendment proposed by the Senator from West Virginia. I say this question is so broad that it is not too strong a statement to make to say that it will affect almost every household in this country. This amendment which is now pending is one of the

most vital in the whole bill, and if this amendment as proposed be incorporated in the bill and become a law—and there is no time set for the bill going into operation, as I understand—then I say that the people of this entire country will be prevented from getting their supply of coal; every household, every great manufacturing concern, the railroads themselves which do not own their own coal mines, every industry and every individual to-day dependent for comfort and life upon the supply of coal, would be prohibited from getting a supply under the operation of this amendment. Therefore, if there is no such provision, I propose to offer a proposition to that end, and I should like to know what the real situation is.

Mr. TELLER. Mr. President, I will inquire whether or not the Senator from New Jersey [Mr. DRYDEN] has concluded?

Mr. DRYDEN. I have for the present.

Mr. TELLER. Mr. President, of course there is no provision in this bill as to when it shall take effect, and therefore, as in the case of other bills, it will take effect on its approval by the President. In my judgment it is rather unfortunate that this feature should be put into the bill. While there is an evil unquestionably in allowing railroad corporations to mine coal or to manufacture products of any kind, yet we might as well face the fact that that is something which we can not prevent, at least until the article so produced or manufactured shall enter into interstate commerce. The State of New Jersey, if it sees fit so to do, may charter a railroad company and authorize it, in addition to doing its railroad business, to do something else. If the State of New Jersey sees fit to authorize it so to do, such railroad company may mine coal or it may manufacture cotton goods or anything else. The power of a corporation is derived from the State and not from the General Government. A corporation is entirely outside of the control of the General Government as to what it shall do until it enters the domain of interstate commerce.

Mr. President, it is not unlawful for some corporations in the State of Pennsylvania to mine coal, because, as I understand, they are authorized so to do by their charters. I do not believe any railroad company in the State of Colorado could, within its charter, mine coal; but it is certainly within the power of the State of Colorado to authorize it to do so if the State thinks the interests of the public would be promoted by its so doing. So the mining of coal by a railroad corporation is not an offense against law in the State of Pennsylvania, though it is an offense in some States; and the company which should mine coal might subject itself to the danger of losing its charter. But I take it for granted that where railroad companies are mining coal in the eastern sections of the country they are doing so by some specific authority of the State. Under their charter they have a right to mine coal and to ship it on their cars, but when they reach the State line, then, Mr. President, that coal becomes the subject of our jurisdiction, and we can then have something to say about it.

Suppose a railroad company mines large quantities of coal and ships it out on terms exactly the same as it ships other people's coal, under precisely similar conditions, making no discrimination between that corporation and any other; there is not any reason for finding fault with that, and that is not the complaint. The complaint is that the railroad company, having the opportunity to furnish cars for its own coal and to carry its own coal for a rate of freight that it does not carry other coal, avails itself of that opportunity, and so becomes a hostile competitor, not a competitor in the proper sense of the term, but a favored competitor with others engaged in the same business—that is, in mining coal—who do not happen to own a railroad to carry it. In my judgment, when a company does that and carries its coal, and such coal becomes a subject of interstate commerce, when it is transported outside of the State, then we have control.

In my judgment, we do not have any control until that thing happens; and this corporation organized in Pennsylvania, holding its right to mine coal and selling its coal only within the boundaries of that State, that coal not being the subject of interstate commerce, but of domestic consumption, it is absolutely beyond our control. That is a question which is presented to us here, and as a matter of principle there is not anything more important than that in the whole bill; not even rate making is more important than that. I think, Mr. President, no railroad company ought to be so chartered. As a matter of policy, the States ought not to authorize that; but they have authorized it, and they may continue to authorize it.

I want to repeat that it is a subject we can not control, although it may be reprehensible and objectionable. We can not meet everything we may object to with a remedy.

Mr. FORAKER. Will the Senator allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I will yield for a question, but I do not propose in the fifteen minutes I have got to yield to an argument.

Mr. FORAKER. I only want to state to the Senator that I agree with all that he has said as to the legal aspect of this proposition; but I wish to call his attention and ask for the benefit of his view as to what would happen if our legislation should be enacted as proposed and it should be held to be constitutional, and we would thereby prohibit railroads who are now engaged in mining and manufacturing coal from sending it out as interstate commerce and supplying the people with it.

Mr. TELLER. I would rather not consider a question that seems to me to be so exceedingly remote. I can not conceive that any court in this country entitled to be called a court would hold that we have that right. The Senator from New Jersey [Mr. DRYDEN] has touched upon that subject. I only want to deal with the question, How are you to reach this matter, if you reach it at all? I should myself very much prefer that this question should come to us in a separate bill, where it could be considered by itself, and not interfere with this general bill, which the public have been looking for and expecting us to pass in some shape or form for the last two years, or nearly that time.

Mr. President, whenever coal or anything else that the railroads may produce becomes the subject of interstate commerce, then I admit the United States may put its power in operation and may control it.

I only want to say a few words, for I know that fifteen minutes do not give an opportunity for any real discussion of this question; but I want to enter my protest here against that which I know has the sanction of a very high court. When the Constitution of the United States authorized us to regulate interstate commerce it did not authorize us to destroy commerce, and although there may be high authority to the effect that the power to regulate means the power to control, and I may be compelled to accept that in some cases, I am not compelled to accept it as binding upon me when I come to a positive act of my own. I may refrain, Mr. President, from doing some things that I should like to do as a member of this body. I may withhold my vote from a certain proposition because the court has said substantially that such a proposition would be a nullity; but the court can not compel me to act affirmatively when it comes to legislation. I may withhold my assent then. I can make my objection, although the court says the act may be constitutional, if, in my judgment, it is impolitic, and especially if, in my judgment, it would work injustice.

Mr. President, I suppose we shall have to deal with the subject as it is here. I want to deal with it, not upon the theory that the people who are mining coal are guilty of a crime by mining it, for if they are guilty of any offense against either law or morals, it is in that they take advantage of the condition they are in to unfairly compete with others who are engaged in the same business. Beyond that I do not believe we ought to go.

This amendment has been, in my judgment, rather hastily drawn, and I am not satisfied with it. I myself do not believe that in a time of haste, when we are endeavoring to get through with this bill, is a good time to introduce this question. Yet it is an evil, I admit, that we have got to wrestle with in the near and immediate future.

Mr. President, this bill has been before Congress a good while, and it has been pending here something like ten weeks, I think. I have not believed that it required any great haste on our part. It has been pretty thoroughly discussed upon one feature principally, and that is as to what should be the condition when the Interstate Commerce Commission has declared that a rate made by a railroad company was an improper one; what should be the right of the carrier and also the shipper, for that matter, when the condition arrives that the court has passed upon the rate made by the railroad company and declared it an improper one; what, then, shall be the condition when the carrier goes into court, and what court shall he go into, and what questions shall be considered there?

We have heard, Mr. President, about "broad review" and a "limited review." I think, as a general rule, that a man brought up in the profession to which I belong would hesitate somewhat to provide in a matter of this kind for a limited review. In the first place, I think he would be somewhat at sea when he began to try to determine as to what particular thing this review should go; and then I think he would be very much embarrassed for fear he might not give to the carrier such a review as he is entitled to under the Constitution of the United States. So, Mr. President, it has generally been understood here, I think—I have tried to make it so—that, so far as I am concerned, I am in favor of such a review as will enable the car-

rier, if he says his rights have been invaded by the Commission, to go into court to determine that question.

We are told that an agreement is to be made amongst the friends of this bill, of which I count myself one, as to the character of the review to be provided; but concerning that agreement I admit I have not been consulted.

We heard yesterday or the day before that an amendment was to be offered by the senior Senator from Iowa [Mr. ALLISON], but it did not come. On Saturday we heard of it, on Sunday we heard of it, and yesterday we heard of it. We have not seen it yet, but a newspaper man, who at least thinks he knows what it is, handed me a paper and said that it contained the gist of the proposed review provision.

The VICE-PRESIDENT. The Chair is obliged to inform the Senator from Colorado that his time has expired.

Mr. TELLER. Well, I will take occasion later, when some other amendment is pending, to finish my remarks. I will not undertake to violate the rule.

Mr. DICK. Mr. President, the inquiry of the Senator from New Jersey [Mr. DRYDEN] is both pertinent and important. Either the time should be extended very considerably or this matter should be dealt with in an entirely separate bill. In the first place, we recall that some years ago the iron masters of Pittsburg constructed a railroad, extending through a part of the State of Pennsylvania and a part of the State of Ohio, to reach the ports of Lake Erie for the purpose of carrying iron ore from the Lake ports to Pittsburg because of extortionate rates charged them by the railroads. If this amendment is adopted and that road is still in the possession of the men who constructed it, they must either go out of the business of manufacturing steel or the business of common carriers.

Again, we adopted in the early part of the voting an amendment putting pipe lines into the list of common carriers; and the men who own pipe lines, whether the companies are large or small, will be compelled, if this amendment is adopted, either to go out of the business of pumping and refining oil or out of the business of conveying it.

Within a few days the Committee on Territories favorably reported a bill chartering a railroad in the district of Alaska, its purpose being largely to mine coal and other minerals, and the bill grants certain coal-mining privileges in that district. The company means to mine that coal, to convey it to a seaport, and thence to the Pacific coast. It will have to change these arrangements, and perhaps abandon the enterprise altogether, if it is confined entirely to the business of a common carrier and prohibited from engaging in the business of mining.

Ample illustrations might be given, in addition to the illustration made by the Senator from New Jersey or the one made previously by the Senator from South Carolina [Mr. TILLMAN], when he referred to the lumber industries of the South. It extends still further. Great companies are mining iron ore in Michigan and in Wisconsin. They own vessels for the transportation of that ore from where it is mined to points where it is consumed in the manufacture of steel. They will have to go out of the business of mining or out of the business of common carriers.

So that, in all its ramifications, this question is so great, it affects so many interests, not only the interests of capital, but the interests of labor as well, that it seems to me the question itself is quite as important, and perhaps of even greater importance, than this matter of railroad-rate regulation, in that railroad-rate legislation has been a question that has been dealt with by Congress for more than twenty years. This very bill is but a conformation of old legislation to newer conditions, but this particular question is a new and a very important question. It is to be hoped the Congress will see that it is a wise thing to do to defer action upon so important a matter until the pending rate legislation is out of the way and it can be dealt with as a separate and distinct proposition in important legislation.

Mr. ELKINS. Mr. President, the purpose of introducing this amendment was to correct an abuse and evil growing up in the State of West Virginia and in other mining States, owing to the fact that railroads engage in competition with producers on their lines. My idea of this is, and it is my judgment, that railroads should be strictly held to doing the business for which they are incorporated—that is, the transportation of freight and passengers, and should be prohibited by law from engaging in any other business, and especially business in competition with the producers and shippers on their lines.

When I first drew this amendment I inserted the words "unless authorized by its charter to do so," which were objected to yesterday by the Senator from New Hampshire [Mr. GALLINGER]. The amendment reads:

It shall be unlawful for any common carrier subject to the provisions of this act, unless authorized by its charter to do so, to engage, directly

or indirectly, in the production, manufacture, buying, furnishing, or selling of coal or coke or any other commodity or commodities of commerce in competition with any shipper or producer on its line or lines, etc.

I put in the words objected to in order to meet the question raised partly by the Senator from Ohio [Mr. DICK] and the Senator from New Jersey [Mr. DRYDEN]. For instance, the Reading Railroad, the Lackawanna Railroad, and probably the Pennsylvania Railroad took the right, by special acts of their legislatures fifty years ago, perhaps sixty years ago, to mine, sell, and produce coal. That right has never been questioned and I do not want to disturb vested rights.

It is impossible, under the general incorporation acts of the various States authorizing the organization and incorporation of railroads, for them now to get the power to mine and sell coal. The power of the railroads to mine and sell coal and coke and engage in any other business was derived from special acts of the legislatures. With the vested rights growing out of these special acts I did not want to interfere at all, and, therefore, I put in the words "unless authorized by their charters to do so."

The Senator from New Hampshire [Mr. GALLINGER] says that would work injustice, because all the railroad companies would have to do would be to organize not only to transport freight and passengers, but to engage in the mining business.

The VICE-PRESIDENT. The Chair will call the attention of the Senator from West Virginia to the fact that, upon consulting the RECORD of yesterday's proceedings, he finds the Senator from West Virginia took the floor upon the amendment proposed by the Senator from Mississippi [Mr. McLAURIN].

Mr. ELKINS. Yes, sir.

The VICE-PRESIDENT. Under the Chair's interpretation of the unanimous consent agreement, the Senator from West Virginia is not in order to speak to that amendment.

Mr. ELKINS. I am speaking to the amendment of the Senator from North Dakota.

The VICE-PRESIDENT. That amendment is not pending.

Mr. ELKINS. Well, I must speak to some amendment. [Laughter.] I can not speak to my own amendment. Other Senators took all of my time on that.

The VICE-PRESIDENT. The Chair regrets that he is obliged—

Mr. ELKINS. Can I speak to the substitute? I did not exhaust my fifteen minutes on the substitute offered by the Senator from Mississippi.

The VICE-PRESIDENT. But the Senator from West Virginia has exhausted the rule. The Chair, of course, can not enforce the rule. It must be left to Senators to observe it or not, according to their good judgment.

Mr. ELKINS. Senators took all my time yesterday asking questions, and I want to get a chance to explain my own amendment. Can the Senator from South Carolina [Mr. TILLMAN], in his prolific mind, offer something here that I can speak to? [Laughter.]

Mr. TILLMAN. With the permission of the Chair, I will state to the Senator from West Virginia that the Senator from South Carolina exhausted his time on this amendment yesterday afternoon, but after this amendment is disposed of there will be opportunity for him to speak on others. I have something I am trying to get up here that may obviate some of this difficulty.

Mr. KNOX. Mr. President, I listened yesterday afternoon to as wise a bit of advice from the lips of the Senator from South Carolina [Mr. TILLMAN] as I have heard yet uttered in this Chamber. I read it to the Senate from the RECORD. Speaking of the amendment of the Senator from West Virginia, the Senator from South Carolina said:

So, Senators, you will not quickly dispose of it in any wise and judicious way. By careful consideration we may be able to discover a method by which we can accomplish what we seek to do, but unless we are very cautious we will make a mistake, and we had better go not quite far enough than to go too far.

The first task of the morning I set for myself was to read the entire statement of the Senator from South Carolina which preceded these concluding words of advice. What he said is still fresh in the mind of the Senate, and it is not my purpose to repeat it. I am willing to confess my entire inability, by further illustration along the lines of his observations, to illuminate the question to which he was addressing himself; but I wish to give to the Senate the benefit of the reflections that I have made at the invitation of the Senator from South Carolina, stated in as succinct a form as possible, and stated practically in the way of naked legal propositions.

In the first place, Mr. President, the question we are considering is how we may lay the hand of injunction upon corporations conducting a carrying trade between the States to prevent them from doing either that which the States have, by the express act

of their legislatures, authorized them to do or, by a long period of acquiescence, permitted them to do.

The question of the power of Congress to prohibit commerce between the States has been passed on but once by the Supreme Court of the United States. The thing which Congress prohibited in that case was the transportation from State to State by express or railroad or by the hand of man of a lottery ticket, a thing connected with a gambling scheme, a thing which had been condemned by Congress time and time again. It had been excluded from the mails; it had been excluded from foreign commerce; and, Mr. President, the question of the power of Congress to prohibit that noxious thing was debated three times in the Supreme Court of the United States by the court's own invitation, and then only sustained by a vote of 5 to 4. I challenge any Senator to put his hand upon a decision of the Supreme Court of the United States to the effect that Congress has the power to go within the borders of any State and lay its hand upon and stifle or crush the policy of that State as declared in its own legislation with respect to the development of its own resources as proposed by this amendment.

Take for illustration the State of North Carolina, rich in timber, possibly not so wealthy in capital as some of her neighbors. It is her laudable ambition that her timber shall be brought to the markets of the world; that her borders shall be filled with the industrious men who are to be engaged in that enterprise. She invites capital to come within her borders for investment. She gives by charter the privilege to a lumber company to accumulate a large area of timber land, the extent of which she may circumscribe. She permits the people who invest their money upon her hills to build highways into the forest in order that the lumber may be carried out and put into the channels of interstate and foreign commerce.

Does any Senator mean to say that it rests in the power of Congress, under the Constitution, to reverse that policy? If so, I should like to see the authority upon which it rests. Congress may, I think, without question provide that a carrier which is lawfully engaged within the borders of a State which created it in developing the resources of that State and which seeks unlawfully to gain an advantage in interstate commerce over its competitors in that particular product shall be excluded from participating in interstate commerce with respect to that product.

Congress can prevent a carrier from stifling competition by refusing to give cars, facilities in the way of side tracks, and other facilities. Congress can, with absolute certainty, in my judgment, prohibit a carrier from entering into interstate commerce in respect to particular traffic if it is trying to crush out its rivals. But, Mr. President, to say that Congress can cancel the policy of any State in respect to the development of its own resources by prohibiting the agencies of its creation from commercial intercourse upon equal terms with citizens of other States is to say that which I think is impossible; and I entirely agree with the legal conclusions that have been so clearly announced upon this subject by the Senator from Colorado [Mr. TELLER].

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. McLAURIN]. [Putting the question.] In the opinion of the Chair, the "noes" have it. The noes have it, and the amendment is rejected.

The question recurs upon agreeing to the amendment of the Senator from West Virginia [Mr. ELKINS].

Mr. McCUMBER. I desire to offer a substitute.

The VICE-PRESIDENT. The Senator from North Dakota proposes a substitute, which will be stated by the Secretary.

The SECRETARY. As a substitute for the amendment offered by the Senator from West Virginia, it is proposed to insert the following:

Any common carrier under the provisions of this act is prohibited from engaging in marketing or selling any coal, coke, or other commodity entering into interstate commerce.

Mr. ELKINS obtained the floor.

Mr. McLAURIN. Mr. President—

The VICE-PRESIDENT. The Senator from Mississippi.

Mr. McLAURIN. I was out of the Chamber a few moments ago, and I heard that an amendment had been voted upon offered by the Senator from Mississippi. I did not know that it was my amendment which was under discussion. I was told yesterday that it was not in order at that time to offer the amendment, and that the amendment was then only read to see how it would sound if it should be adopted. I do not know how the amendment got before the Senate or how it came to be voted upon.

The VICE-PRESIDENT. The Chair understood the amend-

ment was offered, and soon after the bill was laid before the Senate the Chair announced that the question was on agreeing to the amendment offered by the Senator from Mississippi.

Mr. McLAURIN. Yesterday I stated that I offered it, but I was told that under the rules of the Senate it was out of order at that time and could not be offered until the substitute had been acted upon. For that reason I was not in a hurry to offer it again; also for that reason I was not in the Chamber to offer the amendment when the opportune time should come.

Mr. ELKINS. I should like to ask the Senator a question. As I understand, this was a verbal amendment offered by the Senator from Mississippi yesterday, and the Senator also offered a substitute. It was the understanding in the Senate when we adjourned that he would perfect the substitute and offer it this morning.

Mr. McLAURIN. I did not offer a substitute. The amendment was read at the time I presented it to the Senate, but I was told at that time that it was out of order to offer it because the substitute for the amendment offered by the Senator from West Virginia had not been acted upon.

Mr. ELKINS. Will the Senator allow me?

Mr. McLAURIN. I now have a substitute which I have prepared.

The VICE-PRESIDENT. The Chair was governed in the matter by the record of the Secretary. The proposed amendment of the Senator from Mississippi was stated by the Secretary, and at the request of Senators the amendment proposed by the Senator from West Virginia was read with the proposed amendment of the Senator from Mississippi incorporated in it.

Mr. McLAURIN. I am not complaining of the Chair.

The VICE-PRESIDENT. The Chair does not understand that the Senator is, but the Chair was simply advising the Senator as to the manner in which the proposed amendment came before the Senate.

Mr. DANIEL. If the Senator from Mississippi will permit me, I ask unanimous consent that the vote by which the amendment was rejected be reconsidered.

The VICE-PRESIDENT. Without objection, it will be reconsidered.

Mr. McLAURIN. I now offer a substitute for the pending amendment.

The VICE-PRESIDENT. Withdrawing the proposed amendment heretofore submitted?

Mr. McLAURIN. Yes, sir.

The VICE-PRESIDENT. The Secretary will read the proposed substitute.

The Secretary read as follows:

It shall be unlawful for any corporation that mines or manufactures or produces any article or commodity of commerce for sale to engage in the business of interstate commerce as a carrier of any of its own products, mining, or manufacture; and it shall be unlawful for such corporation to charge, demand, collect, or receive any money or other thing for the carriage, as a carrier of interstate commerce, of any of the like kind of articles or commodities produced, mined, or manufactured by any other person, company, or corporation; and for a violation of this provision the person paying such charge or demand may recover in any State or Federal court having jurisdiction of the subject-matter an amount triple the amount so collected or paid, together with all costs of collection, including attorney's fees and costs of travel to and from and attendance upon court. If any such corporation shall engage in the business of a carrier of such articles or commodities as intrastate carrier it shall be unlawful for such corporation to engage in interstate commerce as a carrier of any kind of commerce.

Mr. ELKINS. I understand the substitute was read for information; it is not offered?

The VICE-PRESIDENT. The Chair understood the Senator from Mississippi to withdraw the amendment proposed yesterday and to offer the amendment just proposed in lieu of it.

Mr. McLAURIN. That is correct, Mr. President.

Mr. ELKINS. I wish to speak to the amendment of the Senator from North Dakota.

Mr. McCUMBER. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from North Dakota will state his parliamentary inquiry.

Mr. McCUMBER. As the record now stands, the substitute offered by the Senator from Mississippi yesterday was voted down. That disposed of that amendment. Then I introduced a substitute, upon which the Senator from West Virginia [Mr. ELKINS] started to speak. It was in order at that time.

That being the case, I ask the Chair if it is possible that this other substitute, the amendment which is now offered by the Senator from Mississippi, can be considered until the other amendment is disposed of? Which has precedence?

The VICE-PRESIDENT. The Chair understands the rule to be that an amendment to the part to be stricken out is first in order. In other words, that the friends of a pending measure have a right to perfect it by way of amendment, and after it is

made as perfect as they desire to make it, then the amendment in the nature of a substitute is put to the Senate.

Mr. McCUMBER. I am a friend of the measure, and the object of the substitute which I offered was to perfect it. I can not see wherein there should be a distinction between the two.

The VICE-PRESIDENT. The Chair asked the Senator some time ago if his proposition was in the nature of a substitute, and the Chair understood from the Senator that that was so, taking the place of the amendment of the Senator from West Virginia.

Mr. McCUMBER. It was then laid aside until the other matter was disposed of.

The VICE-PRESIDENT. That is correct.

Mr. McCUMBER. Then I offered it as a substitute.

The VICE-PRESIDENT. That is correct. But the Chair invites the attention of the Senator from North Dakota to the fact that the amendment of the Senator from Mississippi was first proposed and acted upon, and by unanimous consent the vote by which it was rejected was reconsidered. The Senator from Mississippi then withdrew his original amendment, and offered the one which has just been read by the Secretary.

Mr. McCUMBER. I will state to the Chair that I did not know that a motion to reconsider had been made. I did not hear it.

The VICE-PRESIDENT. Yes. So the Chair is of opinion that the proposed amendment of the Senator from Mississippi would take precedence.

Mr. ELKINS. Mr. President, in urging my amendment to prohibit interstate carriers from engaging in any other business than transporting freight and passengers, or, rather, not to engage in any business in competition with shippers on their lines, I do not want to interfere with any vested rights which may exist by reason of special acts of State legislatures authorizing railroad companies to engage in mining and selling coal. I therefore left in the amendment as I drew it the words "unless authorized by their charters," feeling that no other charters would be granted by special acts of legislatures to railroad companies and permit them to engage in the business of mining and selling coal and producing lumber.

I invite the attention of the Senate to the recent decision of the Supreme Court in the Chesapeake and Ohio case, a case that came up from West Virginia. Without taking the time of the Senate to read the decision, I will say that the court in effect decides that where a railroad company does not have, by an act of the legislature, expressly conferred upon it the power to engage in mining and selling coal under existing law the railroad company could not mine and sell coal. That was the decision of the court in the Chesapeake and Ohio case.

Mr. BACON. Will the Senator repeat that statement?

Mr. ELKINS. As I understand the decision of the Supreme Court in the Chesapeake and Ohio Railroad case, it being a railroad company chartered and organized under the laws of Virginia without the power definitely expressed in the charter to mine and sell coal, it did not have the right, under the laws of Congress to regulate commerce, to mine and sell coal, and the court decided that it could not do so.

Mr. President, we have here a decision of the Supreme Court clearly meeting the point raised, as I thought, by the Senator from New Jersey. The court did not hold that where a legislature had especially authorized a railroad company to mine and sell coal it could not engage in the business of mining and selling coal, and therefore, as I stated before, I put in the words "unless authorized by their charters." I am not able to say whether an act of Congress could go so far as to annul and destroy a special act of the legislature authorizing a railroad company to sell coal and under which it had owned coal lands and mined and sold coal for fifty years and had mortgaged said coal lands to secure bonds.

We will have no trouble on this score in the future, because under the general incorporation acts of the States railroads can not take power to engage in any other business than transporting freight and passengers, although they may take all sorts of power. Under the laws of West Virginia a railroad company is prohibited from engaging in the business of mining and selling coal.

This act of the legislature was passed in 1895 and prevents railroad companies from buying or selling coal or coke.

The object of this amendment is to incorporate in the laws of Congress just what the law of the State of West Virginia is on this subject. Now, I think the question raised by some Senators that the right to mine and sell coal by intrastate roads can not be interfered with disappears when it is disclosed that any common carrier subject to the provisions of the interstate-commerce laws—that means any interstate carrier—shall be prohibited from engaging in the mining, manufacture, and production of coal in competition with shippers, because under the decisions of

the courts every local railroad in the States are interstate carriers. The mining and selling coal by railroad companies in competition with shippers on their lines is a great evil and abuse, and unless stopped by law the railroads of this country can acquire all the coal lands in a particular locality or State, and can crush out under this power to mine and sell coal all independent operators and individual miners, because they can favor their own interests and deny shippers many of the advantages they enjoy.

The answer to this may be that they can not discriminate; but a railroad company owning the coal and the means of transportation can discriminate in a way so as not to violate the law, and in the end the independent operators must yield, surrender, and go out of business.

What I am contending for in this amendment is that the independent operator, the individual mine owner, shall be protected in his business against the rapacity and injustice of railroads owning coal lands. No independent operator, no small mine owner, can afford to engage in competition with a railroad company that owns twenty or thirty or forty thousand acres of coal doing business in the same locality. I say it is perfectly competent for Congress to pass such legislation. The law of West Virginia on this subject has been sustained. Congress by proper laws should forbid railroad companies from engaging in any business in competition with shippers on their lines.

It seems to me that the substitute offered by the Senator from North Dakota [Mr. McCUMBER] is clear, explicit, and to the point. It says it shall be unlawful, using the very words I have in the pending amendment, for a common carrier under the provisions of this act to do what? To engage in the business of mining, selling, and producing coal. That is simple, and I do not see how there can be any objection to this wording. It seems to me it is clear and to the point.

However, the Senator from Mississippi [Mr. McLAURIN] will, in due time, I believe, offer a substitute, when we will have an opportunity to further discuss the question. My aim and purpose is simply to correct evils and abuses that exist in the mining States and oppress the people. I did not, perhaps, understand the Senator from Pennsylvania [Mr. KNOX] in regard to the development of the lumber interests of the State of North Carolina. If he advocated the right of an interstate railroad to engage in the business of manufacturing lumber as against local operators of lumber mills in that country, I think he is mistaken. That would be an abuse, and, inasmuch as it would give an advantage to the railroad company over the independent operator, it should be prohibited.

Railroads in recent years have been chartered and organized primarily for one purpose—namely, to transport freight and passengers. Nothing else. Fifty years ago I admit that the Reading, the Lehigh Valley, the Pennsylvania, and other roads, under special acts of the legislature, had the power conferred upon them of owning coal lands and mining and selling coal, which they have exercised for all these years. I do not want to interfere with these powers, but for the future I want it to be clearly understood that all interstate roads shall refrain from engaging in such business.

I do not know of any intrastate roads. There may exist in a State a road 50 or 100 or 200 miles long, but all these roads do interstate business, and doing that, it has been decided they become interstate carriers and interstate roads. I believe in confining strictly and positively railroads to doing two things—the transportation of freight and the transportation of passengers, and engaging in no other business of any kind whatsoever, directly or indirectly.

Mr. FLINT. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from California?

Mr. ELKINS. Certainly.

Mr. FLINT. I should like to ask the Senator from West Virginia whether, in his opinion, private car lines should not be prohibited from engaging in other business?

Mr. ELKINS. Private car lines?

Mr. FLINT. Yes, sir. They are now engaged in buying and selling fruit, and also in operating private car lines.

Mr. ELKINS. Yes. I believe every common carrier should be prohibited from doing any other business than that for which it was incorporated and organized.

Now, as to the question of the Senator from California, these private car lines are, I believe, organized to provide facilities for transporting fruit. But whether they are common carriers under the statute and from the standpoint I am discussing this question I do not know, and I do not wish that question to be involved in the discussion of my amendment.

Mr. FLINT. Mr. President—

Mr. ELKINS. Allow me to say to the Senator from California that I lost my time yesterday by yielding and being graceful, and I do not want to be so unfortunate to-day.

Mr. FLINT. I want to ask the Senator from West Virginia one other question. In his opinion, should not the question as to private car lines engaged in business other than operating private car lines, and railroads engaged in business other than transporting freight and passengers, be left to a separate bill and this whole matter included in a bill other than the present bill? This is a very wide subject, and—

Mr. ELKINS. That is not a question. That is your opinion.

Mr. President, I know it is sought to sidetrack this amendment that corrects a great abuse and injustice. I know we are dealing with rates and trying to prohibit excessive rates, but there are abuses and evils produced by railroads far greater than excessive rates. The great evils and abuse are the kind I have mentioned. Rebates and discriminations are prohibited now by stringent laws. Now, another abuse by railroads is they refuse at times to give switches to shippers of interstate commerce. They will not give physical connection. If we are going to regulate railroads, if we are going to correct abuses, let us correct the real abuses that oppress the people and drive them out of business. What I complain of in this bill is that while it is a good bill as far as it goes, it does not go far enough. It does not correct the very abuse I am trying to bring to the attention of the Senate. It does not provide that where an interstate shipper is prepared to operate he shall have the right of switch connection. It does not provide that connecting lines shall have connections and fair, just, and reasonable prorating arrangements. Those are abuses of which the people of West Virginia complain, and they are evils which I should like to see corrected in this bill.

Mr. President, I think it is plain, in the words of the substitute offered by the Senator from North Dakota, that if common carriers are engaged in mining and selling coal or coke or other commodities along their lines in competition with shippers, it should be prohibited. That is a plain, simple proposition. It is an evil and an abuse, and if it is not checked it will enable the railroads of the country to absorb the mining business along their lines to any extent.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Oregon?

Mr. ELKINS. Some railroads now own forty or fifty or sixty thousand acres of coal lands. I am glad to see that lately the Baltimore and Ohio Railroad Company has determined—wisely, I think—to give up the business of mining and selling coal and engage only in the transportation of freight and passengers.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Oregon?

Mr. ELKINS. Just for a question.

Mr. FULTON. I observe that the Senator's proposition excludes from the operation of this amendment all railroads which by their charters are authorized to engage in mining coal.

Mr. ELKINS. Yes.

Mr. FULTON. I would ask the Senator what he means by their "charters?" Let him understand what I have in my mind. I call his attention to the fact that most of the railroads are organized under State laws, by which they can simply file articles of incorporation, setting forth the purpose for which they are organized and the business in which they propose to engage; and practically all of them propose to engage in business other than that simply of carriers. Does the Senator intend by his amendment to exclude from the operation of this law all railroads so organized and chartered?

Mr. ELKINS. I think under the general incorporation acts of the various State legislatures the power is only given to do the business of transporting freight and passengers, and no power is given under the general act to incorporate a railroad to buy and sell coal and engage in manufacturing.

Mr. FULTON. I call the Senator's attention to the fact that under many State laws a corporation may set out in its incorporation papers the purpose for which it is organized and the business in which it proposes to engage, and they include coal mining and various other pursuits in addition to mere transportation, in many instances.

Mr. ELKINS. I know that. I am perfectly familiar with that.

Mr. FULTON. The reason I state that to the Senator is this: His amendment will practically eliminate from the operation of the law he is seeking to have enacted every corporation whose articles of incorporation provide for engaging in business other than that of transportation.

Mr. ELKINS. No; I do not believe that—

Mr. FULTON. Therefore I suggest to the Senator the advisability of accepting the suggestion that this whole matter shall be treated in a separate bill.

Mr. ELKINS. I will answer your question. Under railroad charters taken out under the general incorporation acts of the States where extraordinary powers are attempted to be taken, I do not think the courts would hold that they can engage in anything but the transportation of freight and passengers.

In using the language or words "unless authorized by their charters" I meant only to protect the railroads chartered and organized fifty years ago under especial acts of the legislatures, and which have engaged in the business of mining and selling coal, and have bonds out on the coal property and improvements involving hundreds of millions of dollars. Perhaps it would not be right to disturb these vested rights. As to any future railroads I do not think that the Senator's question would apply at all.

The VICE-PRESIDENT. The Chair must inform the Senator from West Virginia that his time has expired.

Mr. BACON. Mr. President, I am very much inclined to the opinion, as has been expressed by several Senators, that this is a matter we should not attempt to deal with in the pending bill. It is a bill to regulate railroads in the matter of transportation rates and fares for passenger transportation. It is an impossibility to make it a cure-all for all the evils which may exist in the operation of railroads. This is an extremely difficult question, and one in which almost certainly there is an evil which should be remedied by legislation, but it is one which affects so many interests that it is extremely important that whatever is done should be done with the utmost care.

I have in my hand the opinion of the court in the Chesapeake and Ohio case. I have not had the opportunity to give it the very careful examination which one ought to give to attempt to discuss it or to predicate an argument upon its rulings. I had only seen heretofore the newspaper accounts, and I have had an opportunity to look at this decision only this morning, since the Senate has been in session. As I understand, though, in the hasty examination which I have been able to give it, the particular point ruled by the court was this: It was charged that the Chesapeake and Ohio Railroad Company sold and agreed to transport and deliver to the New York and New Haven Railroad Company coal at a rate which represented in the aggregate less than the cost of the coal and the rate of transportation as published by them as their regular rate, and that therefore it amounted to a system of rebates.

Mr. President, it will be seen how extremely difficult it will be to frame a law which shall correct that evil, because it relates not simply to a case where a railroad company buys property and where the market price in that way can be distinctly stated by being added to the transportation rate, and the proper aggregate can thus be ascertained, but it relates also to the case of a railroad that is producing property which it sells, and there comes in the difficulty of fixing what is the value of that property in such manner that it can be so added to the published rate as to indicate whether the railroad company is using it as a device for rebates.

That is an extremely difficult question, and it is one which not only will affect illegitimate enterprises, if I may so denominate them, but it is one which will affect legitimate enterprises, and therefore it should be regulated with great care, so as not in any manner to do unwanted injury to those legitimate enterprises.

I will give an illustration. Of course, in these matters the fact that it will affect industries in our particular localities naturally occurs to Senators. The Senator from Pennsylvania instanced the case of the lumber trade in North Carolina, and that is true also in the State of Georgia. The southern half of the State of Georgia is a timber-producing section. Very many railroads have been built in that section for no purpose except to develop the timber industry. Men owning large tracts of timber land remote from railroads have built railroads into those tracts of land for the purpose of being able to market the timber. After they have built the railroads, while they are engaged primarily and principally in the transportation of timber which they themselves cut, they also take some business from the public in the way of the carrying of passengers and freight, and however minor it may be compared with the main business of carrying the timber, it constitutes them as common carriers.

While it is true that those roads are located within the State entirely, beginning in the State and ending in the State, still when a railroad takes a shipment from a point within the State to a point out of the State, a part of the transportation to be effected through other carriers, it constitutes itself a

corporation engaged in interstate commerce, and becomes subject to the provisions of this bill.

To say, as is proposed in the amendment offered by the Senator from North Dakota—

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. If the Senator will let me finish the sentence, to say, as is proposed by the amendment offered by the Senator from North Dakota, that no carrier engaged in interstate commerce, which these common carriers become, as I have just stated, shall be engaged in marketing or selling any coal, coke, or other commodity entering into interstate commerce, is to lay the hand of prohibition, so far as Congress has the power to do it, upon all of that industry. Now I yield with pleasure to the Senator from Ohio.

Mr. FORAKER. I only wanted to inquire of the Senator whether or not, under the laws of the State of Georgia, railroads are incorporated with authority to engage in any other business than that of common carriers?

Mr. BACON. Ordinarily they are not, but there are instances, I think, in which they are. They are not incorporated by the legislature. We have a general railroad law which is sufficiently expansive, if I recall its provisions correctly, to permit a railroad company to engage in industries which immediately affect the purpose and business of the railroad.

Mr. FORAKER. I call the Senator's attention to the fact that when the Chesapeake and Ohio Railroad was incorporated, as stated by the Supreme Court decision to which the Senator has referred, there was no law of the State of Virginia prohibiting it from engaging in contracts of this kind. After that the State passed a law in 1895 prohibiting it, before this contract was entered into, and that cut a very important figure in the decision of the court.

Mr. BACON. But, if the Senator from Ohio will pardon me, if I have not incorrectly understood the decision, the main point in the case, as I gather it, is that the Chesapeake and Ohio Railroad Company bought coal and agreed to deliver it to the New York and New Haven Railroad Company at a price which did not represent the cost of the coal and the transportation of the coal at the published rates of transportation, and that therefore the conclusion was irresistible, as stated by the court, that they had undertaken this transaction with a view to the transportation of the coal at less rates than they were charging to the general public, and at less rates than the published rates for transportation, and therefore it was a violation of the interstate-commerce law. It would have been a violation of interstate-commerce law, even conceding that the company did have the authority under its charter to engage in the business of buying and selling coal. That is a great question with which we have to deal.

It is not the fact, Mr. President, that the corporations are engaged simply in the business of buying and selling coal, but it is the fact that they are in a position to violate the interstate-commerce law in a way that makes it extremely difficult to determine that such violation has been accomplished, because in order to ascertain the fact it must be mathematically shown that the aggregate as represented in the original cost of the article and the cost of transportation does not equal the original cost of the article and the published rate of transportation added thereto.

Mr. President, I repeat, I simply give that by way of illustration. I shall myself, unless there is some modification, or unless something is said to change my mind upon the subject, vote against this amendment and against the general proposition as contained in all of these amendments, not wishing it to be understood that in so doing I am opposed to legislation on this subject. I think there ought to be legislation on the subject, because it is a tremendous evil for these transportation companies to be permitted to enter into competition directly with others engaged in similar business to that in which they are engaged outside of their distinct occupation as common carriers. I think it is a great evil, but I am unable in any proposition which has yet been suggested to see that the legislation proposed by those propositions can be safely entered upon without endangering some legitimate enterprises, while endeavoring to reach others we deem to be illegitimate.

Therefore, I hope that the matter may be so deferred that we may legislate upon it in another connection and at a time when we will be able to have the subject carefully examined into by a committee. While we have here the benefit of the investigation made by the Interstate Commerce Committee on the subject of the bill, I understand this particular question has not had a thorough examination at the hands of the committee. I will ask the Senator from South Carolina whether I am correct in that statement?

Mr. TILLMAN. If the Senator will recall what is known as the "Tillman-Gillespie resolution," passed by the Senate some six or eight weeks ago, the Interstate Commerce Commission has been directed by a joint resolution of both Houses to investigate this question and it is now at work on it. It has not yet made any report.

Mr. BACON. That carries out the view which I had entertained that the matter has not been sufficiently investigated to enable Congress properly to legislate upon the subject. I think it is sufficiently great to be the subject of a separate and independent piece of legislation, and that it is too great to attempt to engraft it upon the pending bill with the imperfect investigation which has already been made.

I had more the purpose of giving my reasons why I may vote against it than the purpose of any general discussion. In the absence of modification by amendment I shall vote against it, I repeat, not because I desire that railroads shall have the opportunity to continue this kind of business, but because I think the legislation which is had upon it should be carefully considered and perfected, so that while illegitimate and improper practices may be condemned and prevented legitimate enterprises may not be interfered with and injured.

Mr. DOLLIVER. Mr. President, the Senator from West Virginia has introduced a very important practical question, probably a more far-reaching and difficult question than any with which the pending bill undertakes to deal. The pending bill seeks to confine our labors to the abuses of the rate-making power. It has been said from time to time that there are enormous holes in the bill, but an examination shows that the holes through which cars and other vehicles are supposed to move easily are not in the bill but outside of it, and arise from the fact that the bill does not undertake to do everything.

No more difficult railway proposition exists than this connection of the carriers with the productive enterprises of the country. That relation is in all forms. Some railroads own coal mines and undertake to engage in the distribution of coal, and curiously enough some coal mines own railroads, because it has become a favorite method in these days in organizing a coal corporation to anticipate in a way the probable attitude of Congress, and the public dreads a mixture of the two functions. So it is not uncommon to find great coal corporations having as a part of their charter rights the right to build and operate railroads.

Now, the question is so difficult, it involves so many questions of constitutional construction, that if I can get the attention of the Senator from West Virginia I want to make a suggestion. I think these amendments ought to be disagreed to, but it ought to be done with a distinct understanding that Congress will immediately undertake to deal with the problems involved in the questions the honorable Senator from West Virginia has suggested. We have already investigations ordered by Congress that will be fruitful, I think, in information in respect to these questions, and I am strongly of the opinion that it would be an act of folly to undertake to deal offhand with such problems as the Senator from West Virginia has so ably stated in the Senate.

I suggest, therefore, that these amendments be disagreed to, and that the Senator introduce as soon as may be a bill, because no one is more familiar than he is with the practical aspects of the question, and have it referred to the Committee on Interstate Commerce; and I feel certain that before the end of the session a well-matured measure, squared to the practical questions involved and squared as far as he may be able to do so to the legal questions involved, can be presented to the Senate and passed. I believe that treatment of the question would be infinitely better than an offhand undertaking to deal with it here.

Mr. ELKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. DOLLIVER. Certainly.

Mr. ELKINS. Do I understand the Senator to make a motion to refer the amendment I offered as well as the substitute offered by the Senator from Mississippi?

Mr. DOLLIVER. I have made no motion, because I am advised that such a proceeding is at least questionable, if not irregular. I have suggested, however, that the Senator yield a mild acquiescence in the action which I propose, to dispose of these amendments with a common understanding that the nature of these problems is appreciated by the Senate, and that the Senate can deal with them and kindred problems in a separate measure.

Mr. OVERMAN. Mr. President, appreciating the difficulty surrounding the Senate in regard to this matter, which is practically a new matter before the Senate, I would move, if in order, that all these amendments be referred to the Com-

mittee on Interstate Commerce, with instructions to report a bill to the Senate at as early a moment as practicable.

Mr. ELKINS. What amendment? This amendment?

Mr. OVERMAN. Your amendment and the amendments incident to your amendment.

Mr. ELKINS. Yes; the substitute.

The VICE-PRESIDENT. The Chair will leave the question to the Senate to decide for itself whether or not the motion is in order. The Senator from North Carolina moves that the amendment of the Senator from West Virginia [Mr. ELKINS] and all amendments incident thereto be referred to the Committee on Interstate Commerce with instructions to report a bill to the Senate at as early a date as practicable.

Mr. KEAN. Mr. President, under the unanimous-consent agreement is that motion in order?

The VICE-PRESIDENT. The Chair leaves the question as to whether the motion is in order to the Senate to determine for itself.

Mr. KEAN. Let the unanimous-consent agreement be read, Mr. President.

The VICE-PRESIDENT. The Secretary will read the unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, May 4, 1906, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill H. R. 12987, "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; the bill to be read by sections for the purpose of amendment, the discussion upon amendments offered to proceed under a fifteen-minute rule, the amendments to be disposed of when the discussion thereon is concluded.

Mr. KEAN. I can not see anything except a violation of that agreement in the motion, and therefore I do not think the motion is in order.

Mr. FRYE. Does it not dispose of an amendment if it is referred to a committee?

Mr. CULLOM. Of course.

Mr. ALDRICH. Certainly.

Mr. KEAN. With instructions to report?

Mr. FRYE. Yes; with instructions to report.

Mr. CULLOM. Mr. President—

Mr. McLAURIN. Mr. President, I rather think—

The VICE-PRESIDENT. The Senator from Illinois was recognized by the Chair.

Mr. CULLOM. I did not rise to this question. I desire to offer an amendment.

The VICE-PRESIDENT. The Senator from Mississippi will proceed.

Mr. McLAURIN. I merely rose to suggest that the unanimous-consent rule itself can be changed by unanimous consent, and if the Senator from North Carolina would change his motion to a request for unanimous consent that the amendments be referred it might be done in that way.

Mr. OVERMAN. It is not necessary. It is one disposition of the amendments to refer them back to the committee.

Mr. DANIEL. Mr. President—

Mr. McLAURIN. I merely made the suggestion.

The VICE-PRESIDENT. The Senator from Virginia has the floor.

Mr. DANIEL. I understand the Senator from Illinois desires to offer an amendment, and out of courtesy to him I yield.

Mr. CULLOM. Mr. President, we expected the Senator from Iowa [Mr. ALLISON] to be present here to-day and offer an amendment to the pending bill. We are told that he is not quite so well this afternoon as he was this morning, and he sends me word that he desires that I shall offer an amendment to the bill in his behalf. I take very great pleasure in doing that, but greatly regret that he is not here to offer it himself. I desire to offer it.

Mr. MORGAN. Does the Senator offer an amendment now or submit it as a proposed amendment?

Mr. CULLOM. I simply offer the amendment to be printed and go over, hoping that the Senator from Iowa will be here to-morrow or very soon to take charge of the amendment himself.

The VICE-PRESIDENT. The amendment presented by the Senator from Illinois on behalf of the Senator from Iowa [Mr. ALLISON] will be printed and lie on the table.

Mr. FRYE. Let the amendment, please, be read.

The VICE-PRESIDENT. The Secretary will read the amendment at the request of the Senator from Maine.

Mr. RAYNER. As I desire to offer an amendment to that amendment, may I send it to the table and have it read in connection with the amendment?

The VICE-PRESIDENT. It may be read following the amendment proposed on behalf of the Senator from Iowa.

Mr. RAYNER. I will then send up the amendment to have it read.

The VICE-PRESIDENT. After the Secretary has finished the reading of the amendment presented by the Senator from Illinois the amendment of the Senator from Maryland will be read.

Mr. RAYNER. It comes in after the word "courts" in the present amendment.

The VICE-PRESIDENT. The Secretary will read the amendment presented by the Senator from Illinois on behalf of the Senator from Iowa [Mr. ALLISON].

The SECRETARY. On page 10, lines 20 and 21, strike out the words "and fairly remunerative."

On page 11, line 5, after the word "prescribed," strike out the remainder of said line and down to and including the word "carrier," in line 7, and insert in lieu thereof the following:

All orders of the Commission, except orders for the payment of money, shall take effect within such reasonable time and shall continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the Commission.

On page 14, line 20, after the word "proper," insert a period and strike out the remainder of line 20 down to and including the word "effect," on page 15, line 2.

On page 17, line 11, after the words "United States," insert the words "against the Commission."

On page 17, line 14, after the word "office," insert the following:

And if the order or requirement has been made against two or more carriers then in the district where any one of said carriers has its principal operating office, and if the carrier has its principal operating office in the District of Columbia, then the venue shall be in the district where said carrier has its principal office, and jurisdiction to hear and determine such suits is hereby vested in such courts.

On page 17, line 18, after the word "suits," insert the following: "including the hearing on an application for a preliminary injunction."

On page 18, line 6, after the word "causes," add the following proviso:

*Provided*, That no injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the Commission shall be granted except on hearing after not less than five days' notice to the Commission. An appeal may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme Court of the United States: *Provided further*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court over all other causes except causes of like character and criminal causes.

On page 19, line 22, after the word "order," strike out all of the remainder of the section.

Mr. ALDRICH. Mr. President, I suggest that we have a reprint of the bill with these amendments inserted in their proper places in italics.

The VICE-PRESIDENT. Without objection, it is so ordered. The Secretary will now read the amendment proposed by the Senator from Maryland [Mr. RAYNER] to the amendment just read.

Mr. BACON. I did not understand the Senator from Rhode Island. Does the Senator ask for a reprint of the bill?

Mr. ALDRICH. For a reprint of the bill with the amendments just read inserted in italics, in order to see the precise effect.

Mr. BACON. There are other amendments.

Mr. CULBERSON. Mr. President, I object to the suggestion of the Senator from Rhode Island. The proposed amendment is merely the individual proposition of a Senator and not that of a committee. I see no reason why those amendments should be printed in the bill and others not, and I object to the request for unanimous consent.

Mr. ALDRICH. The purpose of my suggestion must be perfectly apparent to the Senate. It is that we may have a better understanding of the effect of the amendments. It was not for any other purpose. I certainly had no ulterior purpose in making the suggestion.

Mr. CULBERSON. Certainly; I understand that, Mr. President.

Mr. ALDRICH. And I have never known a request of that kind to be denied before in the Senate. It is simply made for the convenience of Senators.

Mr. CULBERSON. I have been in the Senate a very short time in comparison with the Senator from Rhode Island, but I have never known before of a suggestion being made that a proposition of a single Senator should be printed in italics with the bill itself.

Mr. ALDRICH. I have no objection to all the other amendments being printed in that way.

Mr. CULBERSON. I will object to that as I would to the individual proposition of a Senator being so printed. If this were an amendment proposed by the Committee on Interstate

Commerce it would be an entirely different proposition, and I would have no objection.

Mr. ALDRICH. Then, I make the request that the sections which are proposed to be amended by these amendments may be printed for the use of the Senate with the amendments suggested in italics, that we may understand their full purport.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island as modified?

Mr. CULBERSON. Will the Senator state it again?

Mr. ALDRICH. It is that the sections of the bill as proposed to be amended by the suggested amendment may be printed separately.

Mr. CULBERSON. Separately from the bill?

Mr. ALDRICH. Separately from the bill; for the use of the Senate.

Mr. CULBERSON. I have no objection to that.

The VICE-PRESIDENT. The Chair understands the request of the Senator from Rhode Island to embrace the amendment proposed by the Senator from Iowa [Mr. ALLISON] and also the amendment proposed by the Senator from Maryland [Mr. RAYNER].

Mr. ALDRICH. I have no objection to that, although my request was for the printing of the amendment suggested by the Senator from Iowa [Mr. ALLISON].

The VICE-PRESIDENT. The Secretary will now read the amendment proposed by the Senator from Maryland [Mr. RAYNER].

The SECRETARY. To the amendment on page 17, line 14, after the word "office," it is proposed to insert certain words, and then, after the words "vested in such court," it is proposed to insert the following:

But such jurisdiction shall not attach upon the bill or petition of a carrier for the purpose of enjoining, setting aside, annulling, or suspending any order or requirement of the Commission, unless the carrier alleges in its bill or petition that its property has been taken in violation of the fifth amendment of the Constitution of the United States, or that the Commission has exceeded the jurisdiction conferred upon it by law, and in the hearing and determination of such suit the court shall be limited to said allegations so set forth in said bill or petition.

Mr. ALDRICH. If the amendment just read is to be printed with the other amendment it ought to be printed in different type, so that we may understand which is which.

Mr. RAYNER. I have no objection to its being printed in different type, but I should like it printed with the other amendment. We might distinguish the two by calling the first amendment "the President's amendment."

Mr. TELLER. Mr. President, I think we ought to have those amendments sent to the Public Printer and printed at once. We have been in the habit of doing that, and we can get the amendments back here in a couple of hours. They are important amendments, and from the present outlook it is essential that they should be printed at once. I should think we ought to have them returned from the Printer this afternoon.

Mr. CULLOM. Mr. President, the only object which can possibly be desired in connection with the printing of the amendment which I have had the honor to offer in behalf of the Senator from Iowa [Mr. ALLISON] is so that we may understand what it means, where it belongs, and what connection it has with the bill as it now stands. The Senate will observe, or doubtless did observe in the reading of the amendment which I offered, that it refers to many places and many paragraphs in the bill, and consists of different items, so that reading the amendment alone, without having the bill to make comparisons and see where the amendment comes in, would be utterly useless, because one would not know what it meant. To avoid that difficulty was, therefore, the only purpose which the Senator from Rhode Island [Mr. ALDRICH] had in view, and it was for that which he desired the amendment printed in such a way as the Senate would understand exactly its relation to the bill as it now stands.

Mr. ALDRICH. I think the suggestion which I have made, and which I understand has been adopted, will answer all the requirements of the Senator from Illinois.

Mr. CULLOM. Yes; I think so.

The VICE-PRESIDENT. The Senator from Rhode Island [Mr. ALDRICH] requests that the amendments proposed which have just been stated, one having been offered on behalf of the Senator from Iowa [Mr. ALLISON] by the Senator from Illinois [Mr. CULLOM] and the other having been offered by the Senator from Maryland [Mr. RAYNER], be printed in connection with the sections of the bill to which they are respectively directed. Is there objection to the request? The Chair hears none. The Senator from Colorado [Mr. TELLER] requests that such printing be done immediately, and, in the absence of objection, the Chair will request that that also be done.

Mr. BAILEY. I hope that both the first and last editions of

the amendment offered on behalf of the Senator from Iowa will be printed. I know as now offered it is an enlarged edition.

Mr. DANIEL. Mr. President—

Mr. KEAN. Mr. President, has the amendment proposed by the Senator from West Virginia [Mr. ELKINS] been disposed of?

The VICE-PRESIDENT. It has not been. The motion now pending before the Senate is the one made by the Senator from North Carolina [Mr. OVERMAN].

Mr. KEAN. Let it be reported, Mr. President.

Mr. DANIEL. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Virginia?

Mr. DANIEL. I did not mean to interrupt the Senator from New Jersey [Mr. KEAN], who, I understand, simply rose to make an inquiry.

Mr. KEAN. Certainly, I yield. I only wanted to have the pending amendment disposed of, so that we might get along with the bill.

Mr. DANIEL. Mr. President, we have an opportunity at this time to greatly improve this bill, an opportunity to correct some of the evils that exist in the interstate commerce of this country.

I seriously doubt, Mr. President, if the motion of the Senator from North Carolina [Mr. OVERMAN] is in order, if it be so comprehensive as it seems to me on the one hearing of it which I have had. I suppose that it relates simply to the amendment of the Senator from West Virginia [Mr. ELKINS] and to the substitute offered therefor by the Senator from Mississippi [Mr. McLAURIN], though it sounded to me, and I think was expressed in still broader terms, to refer all of the amendments which have been offered on this subject to the Committee on Interstate Commerce. I would ask that it may be read as it was taken down, so that I may apprehend exactly what is the motion of the Senator from North Carolina.

The VICE-PRESIDENT. The Reporter who took the notes at that time has retired to the Reporters' room, and the Chair will send for the transcript of the notes.

Mr. DANIEL. While waiting for that, Mr. President, I will say that I appreciate the suggestion of the Senator from South Carolina [Mr. TILLMAN] that we should not be hasty in adopting any amendment on this subject. It is a very grave matter to interfere with any existing order of things. At the same time, if the existing order of things be productive of mischief and of disadvantage to the general public, it ought to be corrected; and the opportunity is now. When this opportunity may come again, no man can say.

It is difficult to effect the concentration of the attention of both branches of Congress upon any subject. The attention of one branch of Congress has been fixed to this subject, and the fruit of its action is before us. We have an opportunity now, which we may never see again for a long, long time, to mature a measure for the general advantage of the people of the United States, and this fugitive opportunity should not be abandoned.

I am one of those, Mr. President, who think that the President of the United States acted wisely in bringing this vast subject to the attention of Congress. There are many things in which I differ from him; but, Mr. President, when I do agree with any public man who is in high and responsible position there is no reason why I should not express that opinion and applaud such action as, in my judgment, tends to the general public weal. I may not agree in all that he has done about it.

We seldom agree altogether with any other human being, such is the diversity and idiosyncrasy of the human mind; but this was a subject, Mr. President, which had arisen in the public mind, one in which the public made just complaint, one in which the party to which I have the honor to belong had called the attention of the public, and one which the party to which the President belongs had absolutely ignored in all of its public utterances. It took courage on the part of the President to bring this matter to the attention of the people of the United States as he did; and for his courage and for his wisdom in that regard I do applaud him, without saying that I agree in all the operations of his mind upon this subject.

One of the impediments to fair commercial intercourse between the different trading communities of the United States is the engaging by common carriers in the carriage of great masses of produce, not for the public benefit, but for their own behoof and advantage. This is a thing which Congress should be disposed to stop as rapidly as it reasonably can; and the opportunity is now.

There is nothing in the history of any rate bill or of any railroad legislation in this body to especially stimulate the hope that we will be nearer a solution of this problem by referring it to the Interstate Commerce Committee of this body. That com-

mittee consists of an able body of men. It can at least be said of them that they have been very patient in their deliberations and that they have not laid before the Senate as yet any full and complete report of the operations of their minds upon this subject such as its gravity and dignity seem to call for; neither has that committee indicated any disposition to speed any bill which has been referred to it.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Rhode Island?

Mr. DANIEL. I do.

Mr. ALDRICH. I was about to suggest to the Senator from Virginia that this specific subject has never been referred to that committee and has never been before them officially.

Mr. DANIEL. That is true, Mr. President; but when the committee has been occupied for a year or more in investigating all of the questions which arise in interstate commerce, it would not have been impertinent to this subject if the committee had itself suggested an amendment.

I am not intending, Mr. President, to make any severe criticism on that committee. I know the difficulties which environ them and I am slow to censure any of my colleagues, as those who are not aware of their difficulties and environments might do; but I simply say that if these amendments be so referred and shall not move faster than other measures have moved, the Senator will be an older and wiser man when he sees the solution of this problem than he is now.

Mr. OVERMAN. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from North Carolina?

Mr. DANIEL. With pleasure.

Mr. OVERMAN. The Senator from Iowa [Mr. DOLLIVER], one of the leaders on the other side of the Chamber, rose in his place and asked the Senate to disagree to those amendments. After he had made that speech I preferred, rather than have those amendments voted down, that we send them to the Committee on Interstate Commerce, with the instruction of this body to report a bill carrying out the Senator's ideas at the earliest practicable moment. I want to say that I indorse what he says as to the necessity for this legislation, and I heartily approve of it.

Mr. DANIEL. If the Senator could add to his resolution an assurance that that bill would get the attention of both Houses of Congress within any reasonable time, I might appreciate its force more than I do under existing and well-known conditions.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Rhode Island?

Mr. DANIEL. With pleasure.

Mr. ALDRICH. I happened to be out of the Chamber when the motion was made by the Senator from North Carolina. Do I understand him now to say that the committee is to be instructed to report a bill in accordance with the wishes of the Senator from Virginia? Is that the motion?

Mr. OVERMAN. No, sir.

Mr. ALDRICH. That is the statement made by the Senator from North Carolina, and so long as I was not advised as to what the views of the Senator from Virginia are, I did not know how such a motion could very well be made.

Mr. OVERMAN. I only spoke as to my own personal views on the subject, that the committee should be instructed to report a bill.

Mr. ALDRICH. You were not indorsing the views of the Senator from Virginia in instructing the committee?

Mr. OVERMAN. No, sir.

Mr. DANIEL. Mr. President, if that committee should report here a bill, who knows that it would ever be heard of? If a bill on this subject separate and to itself is reported to this body, who can give any assurance that it will ever get the attention of both branches of Congress? We have here a great measure on this subject, and it is at a time when the minds of this body are addressed to the study of the questions involved in that bill and all connate questions; and now, Mr. President, I repeat, is the opportunity for those who desire some remedies to be perfected and embodied in this measure to debate questions as they arise and to invite action thereupon. I do not know that any of these amendments will be voted down. I have not heard sufficient expression of opinion on that subject to form any judgment thereupon. We can not tell until the sense of this Chamber is taken, and we can only acquire that sense by debating the matter and by laying before our colleagues the considerations pro and con.

Now, Mr. President, I shall address myself briefly to the consideration of these amendments as they now stand. I do

not think the amendment offered by the Senator from West Virginia [Mr. ELKINS] takes hold of this case by the right handle, and I do not think that any amendment which seeks to interdict the competition of carriers themselves with their customers ought to be involved with any other question that can be avoided. If there is a clear conception to subserve, put that conception separate to itself and let it stand on its own merits, without involving other questions which are not essential to the main issue.

I think, Mr. President, and with diffidence and deference I submit that the following amendment, which I had the honor to prepare and sent up to the Secretary's table on yesterday afternoon, will reach the main gravamen of the complaints of the people which have been so numerous. For the words used in the amendment of the Senator from West Virginia I would substitute the following:

It shall be unlawful for any common carrier to transport from one State, Territory, or District of the United States to another State, Territory, or District of the United States or to any foreign country any article or commodity whatever which may be owned by it or in which it has any interest, excepting such as are necessary for its own use in its business as a carrier and not intended for sale, barter, or commercial traffic of any sort.

The VICE-PRESIDENT. The Chair is obliged to inform the Senator that his fifteen minutes have expired.

Mr. McCUMBER. Mr. President, I think the Senator will find that the amendment which I offered this morning covers the same subject in very much fewer words and will reach everything that he seeks to reach.

I only desire now to call attention to the proposition that was made by the Senator from Pennsylvania [Mr. KNOX]. I believe the Senator from Pennsylvania in his very brief remarks challenged the authority of Congress, under the constitutional provision allowing Congress to regulate interstate commerce, to so regulate it as to interfere with the sale of any products lawfully accumulated in any State by any common carrier and transmitted to another State for sale. As an illustration, the Senator referred to the production of lumber by a railway company in the State of South Carolina, to be sold outside of the State of South Carolina, and, if I understood his position correctly, it was to the effect that Congress had no such power.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Pennsylvania?

Mr. McCUMBER. Certainly.

Mr. KNOX. With this important qualification, that the commerce as carried on shall be conducted under such circumstances as to do no injustice or injury to anyone else conducting the same business—in other words, that the power of Congress over the subject rests upon the right to regulate transportation between the States, and in the regulation of transportation between the States it may prescribe the rules by which that transportation is to be conducted, and among other rules that it may prescribe is the rule of freedom of competition and the rule of nondiscrimination. In the case of a carrier lawfully engaged under the laws of the State that chartered it, notwithstanding the charter of the State and notwithstanding its dealing with the products of the State, taken from the soil of the State, Congress could prohibit it from entering the channels of interstate trade if in the carrying on of that interstate trade it under any arrangement had an unlawful advantage over any of its competitors. That is the position I sought to make clear this morning. That is as far as I went.

Mr. McCUMBER. I thoroughly agree with that proposition, Mr. President, but I can not understand how it is possible for a railroad company mining its own coal and shipping it absolutely free, without any charge whatever—of course, it could not charge itself for moving its own products—can enter into the markets of another State on equal grounds with other producers of coal, whether in the other State or in the State from which the coal is transported. The very fact that it gets practically free transportation places it in a position where it has the power to sell cheaper than other producers, so that in the sale of its products it is not meeting its competitors upon equal grounds.

It clearly seems to me that Congress has power, under its authority to regulate commerce, to provide that no such advantage shall be held by the common carriers against their competitors. If that is true, then, under the illustration that was given by the Senator from Pennsylvania in the case from South Carolina, it would seem clear that the Congress could interdict the corporation created in the State from selling outside of the State or dealing in commodities of that character.

The Senator gave, as another illustration, the case referring to lottery tickets. Of course, that case was decided principally

upon the ground that lottery tickets themselves are not the subject of commerce; they are not a lawful product of any State; but, on the contrary, are unlawful. As against that, however, I call attention to the act of Congress to cure a defect in the law that was demonstrated in the Iowa liquor cases. The production of beer by the breweries in any State is considered at all times to be a perfectly legitimate business. Under the laws of the State of Iowa it was attempted to apply the local law as soon as the product should arrive in the State. As the Federal law then stood, it was held by the Supreme Court that the local laws of the State of Iowa could not operate upon the articles in original unbroken packages. Until the packages had been broken and the articles were distributed, they were subjects of interstate commerce. Congress passed a law to remedy that; and in that law it was provided simply that the moment any of these articles of interstate commerce—legal and proper articles in the State in which they were produced—entered into another State, they should immediately become subject to the police power of that State. So that, while the articles produced may be subjects of interstate commerce and while the laws of the State make them legally subjects of commerce, it seems to me clear, from that case, that Congress may step in and, under its authority to regulate commerce, may determine whether or not the corporation may deal in those particular articles as articles of interstate commerce.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. Certainly.

Mr. SPOONER. Does the Senator contend that there is no limitation upon the power of Congress to regulate commerce?

Mr. McCUMBER. I do not think that Congress can so regulate commerce as to destroy property rights, for instance, entirely under the authority to regulate. There are quite a number of limitations. Regulation does not carry with it, in my opinion, the power absolutely to destroy.

Mr. KNOX. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Pennsylvania?

Mr. McCUMBER. Certainly.

Mr. KNOX. Does the Senator believe that Congress can regulate commerce in such a way as to regulate production within the borders of the States?

Mr. McCUMBER. It does indirectly in many ways.

Mr. KNOX. I admit it can indirectly.

Mr. McCUMBER. We can pass no direct law the effect of which would be to limit the production in the State; but a law of this kind certainly would not directly limit it. It simply regulates; and that regulation may indirectly limit the production.

Mr. SPOONER. Will the Senator permit me again?

Mr. McCUMBER. Yes.

Mr. SPOONER. Does the Senator think, then, that it is within the constitutional capacity of Congress to prohibit any manufacturing company or producer in a State from shipping its product from State to State without first getting a license from the Government of the United States?

Mr. McCUMBER. That is a very far-fetched question, it seems to me, as affecting this case.

Mr. SPOONER. What I want to get at is the limit, if there is one, to the power of Congress to regulate.

Mr. McCUMBER. I do not think that the power of Congress to regulate would include the power to prohibit the introduction from one State to another of goods that could legitimately be carried from one State to another—if that is what the Senator means. That would not be a regulation whatever.

Mr. President, I simply desire to say one word in reference to the amendment of the Senator from West Virginia. I think the substitute could be well adopted. It is clear and to the point, and, under the suggestion made by the Senator from New Jersey, it might be amended, if it is to be adopted, by inserting the time at which it shall take effect. If any danger should arise because of these companies having a large amount of coal or other products on hand, dealing in which the amendment prohibits, we could fix some future time at which the amendment should take effect.

Mr. SPOONER obtained the floor.

Mr. SIMMONS. Mr. President—

Mr. SPOONER. I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I am in favor of legislation to remedy the evils denounced by the several amendments of the Senators from West Virginia, North Dakota, and Mississippi. But, Mr. President, it seems to me obvious that the Senate is

not in possession of sufficient information upon this subject to enable us to wisely and safely legislate.

For more than two years the attention of the country and of the Senate has been focused upon the great question of rate legislation. During the past summer a committee of this body sat almost continuously, making investigations and gathering facts upon which to predicate legislation. For more than two months now this body has been discussing this great question. Senators are in possession of the great mass of information gathered by the committee. For months they have been studying the many and complex questions of law involved. Notwithstanding all of this investigation and study, we find ourselves, with respect to some features of the pending measure, troubled with perplexing doubts and divided views.

Now, suddenly there is injected into this legislation another question. If not equally as important, if not equally as far-reaching, certainly it is a big question and one which requires investigation and consideration for safe and wise solution. Only a few days ago the Senator from South Carolina [Mr. TILLMAN] for the first time brought this question before the Senate in a definite form. I think the Senator from Rhode Island [Mr. ALDRICH] stated, and stated correctly, that it has never yet been considered by any committee of this body. I repeat, the subject covered by these amendments is a big question, a question with many ramifications, and if we should to-day incorporate in this measure some hasty and ill-advised provisions upon this subject, we would be in danger in attempting to remedy one wrong of doing another wrong.

Who is prepared to say, upon the hasty consideration we have given this subject to-day, operating as we are under the fifteen-minute rule, without adequate data and information as to its effects upon the many and varied interests concerned, what would be the effect upon these interests in this country of the adoption of either one of the amendments proposed by the Senators? If we should adopt the amendment proposed by the Senator from West Virginia, I fear the effect would be to greatly embarrass and cripple certain important enterprises in my State.

Mr. DANIEL. What industry is that?

Mr. SIMMONS. Railroad building and the manufacture of lumber. There is, as I will show later, a very important connection between these in my State at this time.

I have no doubt that there are great evils growing out of the conditions which exist in Pennsylvania, Ohio, Illinois, and West Virginia by reason of the fact that some of the railroads in those States are also the owners of many of the coal mines and that they are operated conjointly. There is a just and powerful public sentiment that these evils should be remedied. But there is, I think, no demand for hasty or immature legislation.

The Senator from Pennsylvania [Mr. KNOX] has alluded to the conditions in my State. I do not refer to them for the purpose of using them as an argument against the proposed amendments, but for the purpose of showing what might be the effect upon these conditions if the amendment proposed by the Senator from West Virginia, for instance, should be adopted. There is to-day in my State an era of railroad construction. That is especially true in the eastern section of the State, in the great pine-tree region of the State. Nearly every railroad that is to-day in process of construction in that section of the State is being built by corporations that are interested in the manufacture of lumber. They have bought immense tracts of timber land; they have built great plants upon those lands, and they are now constructing railroads to and through them. Nearly every one of these railroads has its basing point outside of the State of North Carolina. The timber does not lie upon streams. The most of that has long since been cut. The timber that remains is in the interior, so to speak. It can only be reached by railroads. In some instances the railroad would be worth but little without the timber, and the timber but little without the railroad. There are at least 200 miles of railroad being constructed in my State to-day, much of it to develop timber lands owned by those who are building them, and the market for all of that timber is outside of the State, making this interstate business.

Mr. President, I am in favor of effective legislation by which the evil aimed at by the amendments can be reached. The evil is so great that I am free to say here to-day if it becomes necessary to destroy connections, such as I have spoken of as existing in my State, I am ready, if necessary, to destroy those connections and divorce these other interests, however embarrassing and repressive may be the consequences, in order that the people may have relief from the discrimination and oppressions of monopoly.

But we have had this subject before us for only a short

time; it was injected here only yesterday evening as a proposed amendment to this bill, and I submit that we are not in a condition to take final action to-day upon this question. I want it understood that, if necessary, I am willing to go as far as any other Senator upon this floor to accomplish the end and result these amendments have in view. The question I wish to raise is whether we are ready and prepared at this time to legislate, and whether, if we shall proceed hastily and without fuller discussion and consideration, we are not in danger of making a mistake and of injuring interests that might be protected and yet the people given the relief which they demand and to which they are entitled.

Mr. BAILEY. Mr. President, I would regard it as an un-mixed misfortune for the Senate to recommit this matter to the Committee on Interstate Commerce. If it should take that committee—and I mean no reflection on it—as long to report a bill on this subject as it did to report the bill upon the main subject, the people would lose heart before the Congress could take action. The Senator from North Carolina [Mr. SIMMONS] suggests that this question is as important as the main question, and measuring it by its importance we might expect an almost interminable delay.

I know there is no Senator in this body more earnestly in favor of efficient and prompt action upon this subject than the distinguished Senator from North Carolina [Mr. OVERMAN] who made this motion. But I sincerely hope he will be convinced that if this matter goes back to the committee it may not be brought into the Senate, as already suggested, until the next session, and the next session, being a short one, is apt to adjourn without any relief being afforded to the people from these very oppressive and indefensible practices.

I believe, Mr. President, that in the history of legislation no greater good was ever sought to be accomplished than the good which will be accomplished by the less than eight lines of this amendment. As I understand, the Senator from West Virginia, accepting the suggestion that was made to him yesterday, has provided that this prohibition shall rest against the carrier from engaging in interstate commerce when he engages in these prohibited transactions. With that correction, I do not myself feel the least doubt as to the constitutionality of the provision. We are not required to defend a total prohibition of commerce under this amendment.

Mr. SPOONER. Which is that?

Mr. BAILEY. This is the amendment of the Senator from West Virginia [Mr. ELKINS] as amended by the Senator from Minnesota. This is only a regulation of interstate commerce. The carrier can relieve itself from the prohibition by simply conforming to what every man admits to be a wholesome public policy. In the Lottery case, to which I referred yesterday, it was an absolute, total prohibition against interstate commerce in that article. Here the prohibition rests only against a carrier who does certain forbidden things, and that carrier relieves himself of the prohibition and resumes his normal and proper business of transporting goods from State to State whenever he surrenders the doing of that which it is not the business of any common carrier to do.

If you take the sense of the Senate, I do not believe there is a single Senator who will write in the Record—and they would not be afraid to record it there if it was their judgment—as his deliberate judgment that a common carrier ought to engage in business except that for which a common carrier is intended. A common carrier is given great rights and privileges; it exercises a power and a faculty of government; it appropriates to its use a citizen's property; and no person, natural or artificial, who exercises a faculty and a power like that ought to be permitted to engage in the ordinary vocations of life.

We must take the common carrier and segregate him from the balance of the community. We must recognize that rules and limitations apply to him which apply to no other citizen or corporation, and we can never properly deal with this question unless we keep that steadily and always in our mind.

With a Senate that is practically unanimous in favor of excluding a carrier who exercises the privileges and seeks the profits of a merchant, manufacturer, or a miner from interstate commerce, it looks to me like there is wisdom enough in the Senate to draft in its open session a provision to carry that deliberate and unanimous judgment into effect. For my part I am willing to go on record that the amendment now pending is sufficient to accomplish its object. If it be not, then, when this bill goes to a conference committee, it being a matter in controversy between the two Houses, the conference committee, in the quiet of its room and at such leisure as both Houses will cheerfully accord it, can prepare this provision so that it will be clear, so that it will be constitutional, and so that it will be effective.

I would regard it as an admission of incompetence on the part of the Senate for us to say that though we all agree a given thing ought to be done, we are unable to do it for ourselves, and we, therefore refer it back to a committee for their long and patient consideration. I sincerely hope that the Senate will deal with this question now, deal with it for itself, and deal with it in a fashion that no common carrier will ever again attempt to engage in any business except its proper and legitimate one.

I would suggest, Mr. President, and then I will yield, that it might be fair and just, in order to give the common carriers an opportunity and time to adjust themselves to this new and proper condition, that the amendment should take effect on the 1st day of January, 1908. I hardly think a common carrier could ask time in order that he might quit doing what he ought never to have done in the first place; but in dealing with it as a condition, I am willing to afford them a reasonable time in which to dispose of their improper and illegal possessions, and in order that there may be no serious interruption of interstate transportation and travel, I will vote for that kind of a provision.

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Wisconsin?

Mr. BAILEY. Certainly.

Mr. LA FOLLETTE. I should like to ask the Senator from Texas whether it would not be possible to include with the proposition which he now suggests this, in addition, that in the meantime they shall not go on acquiring coal lands and oil lands?

I noted but a few days ago that one of the railroads in the southwestern part of this country had invested some \$15,000,000 in coal lands in New Mexico. If we are to wait for legislation to become operative, I suggest we ought to find some means to put the bars up against corporations acquiring vast holdings of coal and oil lands and other products that they are to transport.

Mr. BAILEY. I thoroughly agree with the statement of the Senator from Wisconsin, and if it is believed that the knowledge that they can not hold such property will not prevent them from acquiring it between the passage of this law and the time when the provision shall take effect it would undoubtedly be right to include such a provision as the Senator from Wisconsin has suggested.

My own idea was that if you provided expressly that after the 1st of January, 1908, they should not be permitted to engage in interstate commerce if they also engaged in the prohibited industries, that itself would be sufficient to restrain them. But surely the suggestion of the Senator from Wisconsin can do no harm, and it might do good. Therefore I should be very willing to support it.

Mr. OVERMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from North Carolina?

Mr. BAILEY. I do.

Mr. OVERMAN. Mr. President, I shall not allow myself to be put in the position of delaying this matter. If there is so much distrust of the committee itself and there is such doubt expressed as to whether or not we will have a report from that committee, I will withdraw my motion.

I made the motion, sir, because I knew that the Senate had passed a joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies in coal and oil, and report on the same from time to time. I wish to read from the joint resolution:

Fifth. That said Commission be also required to investigate and report the system of car supply and distribution in effect upon the several railway lines engaged in the transportation of coal or oil as aforesaid, and whether said systems are fair and equitable, and whether the same are carried out fairly and properly; and whether said carriers, or any of them, discriminate against shippers or parties wishing to become shippers over their several lines, either in the matter of distribution of cars or in furnishing facilities or instrumentalities connected with receiving, forwarding, or carrying coal or oil as aforesaid.

Sixth. That said Commission be also required to report as to what remedy it can suggest to cure the evils above set forth, if they exist.

Seventh. That said Commission be also required to report any facts or conclusions which it may think pertinent to the general inquiry above set forth.

I knew that the Commission had been investigating these matters; I knew they had the testimony before them, and following the Senator from Iowa, the author of this bill and the leader, when he asked the Senate to disagree to the amendments, I thought it better, sir, to have this matter referred back to the committee, with instructions to report forthwith upon this subject, and give us a bill that was sensible and wise and would destroy no property and would give the relief that the people seek. But since so much doubt has been ex-

pressed that there will be delay and that we will not get the report even at the next session, I withdraw the motion.

Mr. BAILEY. I am gratified that the Senator from North Carolina refuses to allow a motion of his to be used for the purpose of delay. I am sure that that Senator knows that I would be the last man in this body to believe that he would intend anything of the kind. I know him well enough to know that his purpose is to deal with everything in the open. I know that his purpose is to protect the people.

No provision, in my judgment, touching the regulation of commerce is more important than this. If we could adopt an amendment which would keep the rates established by the Commission in effect until the final judgment of the court, and if we could divorce the business of transportation from the business of production and distribution, we would earn the gratitude of this country for a thousand years to come. If we can not do both, let us at least do one, and if we do neither, the people of this country will, and the people of this country ought to, settle with us for our failure to do that which plainly we ought to do.

Mr. DRYDEN. Mr. President, I am very glad to know that the Senator from Texas agrees with the principle of a suggested amendment which I mentioned this morning, and I have no criticism to make upon what the Senator says upon that point except that in my judgment the time proposed by him—

The VICE-PRESIDENT. The Chair suggests to the Senator from New Jersey that he understands that the Senator has already spoken once upon this subject, and, if the Chair is correct—

Mr. DRYDEN. I am going to offer an amendment. I offer the amendment now.

The VICE-PRESIDENT. The Senator's amendment would not be in order now, the question being on the amendment proposed by the Senator from Mississippi to the amendment of the Senator from West Virginia.

Mr. DRYDEN. Can I submit an amendment to lie upon the table until it can properly be acted upon?

The VICE-PRESIDENT. The Senator can do that.

Mr. DRYDEN. I will ask, then, whether, if the substitute of the Senator from North Dakota is adopted in lieu of the amendment of the Senator from West Virginia, the amendment of the Senator from North Dakota so adopted would then be open to amendment?

The VICE-PRESIDENT. The Chair would prefer to decide that question when it properly arises.

Mr. DRYDEN. It is a very important matter for me, Mr. President, to know whether I shall be in a position to offer an amendment later on or not. May I ask what is the real question now before the Senate?

The VICE-PRESIDENT. The question is upon the amendment offered by the Senator from Mississippi in the nature of a substitute for the amendment proposed by the Senator from West Virginia.

Mr. SCOTT. Let us have it read.

The VICE-PRESIDENT. At the request of the junior Senator from West Virginia, the amendment proposed by the Senator from Mississippi will be again read.

The SECRETARY. In lieu of the amendment proposed by the Senator from West Virginia [Mr. ELKINS] insert:

It shall be unlawful for any corporation that mines or manufactures or produces any article or commodity of commerce for sale to engage in the business of interstate commerce as a carrier of any of its own products, mining, or manufacture; and it shall be unlawful for such corporation to charge, demand, collect, or receive any money or other thing for the carriage, as a carrier of interstate commerce, of any of the like kind of articles or commodities produced, mined, or manufactured by any other person, company, or corporation, and for a violation of this provision the person paying such charge or demand may recover in any State or Federal court having jurisdiction of the subject-matter an amount triple the amount so collected or paid, together with all costs of collection, including attorney's fees and costs of travel to and from and attendance upon court. If any such corporation shall engage in the business of a carrier of such articles or commodities as intrastate carrier it shall be unlawful for such corporation to engage in interstate commerce as a carrier of any kind of commerce.

Mr. DRYDEN. Mr. President, when I addressed the Senate before it was my intention to speak, and I supposed I was speaking, to the amendment of the Senator from West Virginia. I did not intend to speak to the amendment proposed by the Senator from Mississippi.

The VICE-PRESIDENT. The Chair would ask the Senator from New Jersey if his amendment, which has not been reported, and which he contemplates introducing, is an amendment to the amendment of the Senator from West Virginia, as modified?

Mr. DRYDEN. I understand the amendment which I propose at the proper time to offer would at this time be out of order, as there is an amendment to an amendment now pending

before the Senate, and therefore it would not be parliamentary for me now to offer another amendment.

The VICE-PRESIDENT. The Chair does not know the character of the amendment proposed by the Senator or the particular subject to which it is addressed, and therefore he inquires for information.

Mr. FORAKER. As I understand it, the Senator spoke before the amendment was offered by the Senator from Mississippi.

The VICE-PRESIDENT. If so—

Mr. FORAKER. And he spoke only to the amendment offered by the Senator from West Virginia. It is his clear right to speak to the substitute offered by the Senator from Mississippi.

The VICE-PRESIDENT. If so, the Senator would clearly be in order on the amendment proposed by the Senator from Mississippi.

Mr. DRYDEN. That was my position, as I understood it.

The VICE-PRESIDENT. The Senator is entirely in order.

Mr. DRYDEN. I am sorry I have already consumed a good deal more of the time of the Senate in trying to ascertain my position than I shall now consume in stating it.

The VICE-PRESIDENT. The time so consumed will not count against the Senator.

Mr. DRYDEN. Mr. President, the principle involved in the remarks of the Senator from Texas, which I very briefly outlined this morning in a few remarks of my own, I think are most important, and it is of the greatest necessity to incorporate it in this amendment if it is to pass the Senate.

Sensors, consider for a moment the situation. Here are these great coal-carrying companies supplying 80,000,000 people with the products of their mines. They furnish what to-day is the only facility for getting this necessary product to market. Their arrangement, whether by ownership, by leasing these properties, or by any other contract, is such that the properties to a very large extent are under the control of these companies.

Now it is proposed, as the amendment now stands, to wrench the management and control of the properties furnishing this great necessity suddenly out of their places, and what disposition is it proposed to make of them?

Is there a single line in the amendment which has been proposed here, or in any one of the amendments which have been proposed as substitutes, that deals with this important phase of the question? Who is going to mine the coal owned now by these great railroad companies? Who is going to carry it to market? When the people want coal, of whom are they to get it? Is there any proposition for supplying them? I have heard none. I have not heard any even intimated in the discussions here. Yet without warning, without a single hour in which to readjust these momentous matters, it is proposed to legislate here and to revolutionize one of the greatest interests and one of the most important lines of business in this country.

I say to Senators a step like this would be fatal to the American people, and it would bring on this country a calamity which has never been paralleled in our whole history. I ask Senators to pause in the face of this tremendous matter and give it due consideration. I propose for the consideration of the Senate an amendment to the amendment of the Senator from West Virginia. I understand that it can not be formally received now, but I ask that it may lie upon the table. I wish the Secretary to take it down:

That on and after July 1, in the year 1911.

It comes in previous to the beginning of the proposed amendment of the Senator from West Virginia, and I am sure that even a most superficial consideration of this great matter will cause Senators to pause and give due weight to its importance.

The VICE-PRESIDENT. The Chair will state to the Senator from New Jersey that his amendment as now stated by him is in the direction of perfecting the amendment of the Senator from West Virginia, and is therefore perfectly in order. The amendment in the nature of a substitute can only be in order after the original amendment of the Senator from West Virginia is perfected. The question, therefore, is upon the amendment proposed by the Senator from New Jersey to the amendment of the Senator from West Virginia.

Mr. DRYDEN. I thank the President of the Senate, and am glad to know the amendment is in order now.

Mr. BAILEY. Will the Senator from New Jersey, before he resumes his seat, permit me to answer a question he asked and which I did not interrupt him to answer at that time?

Mr. DRYDEN. Certainly.

Mr. BAILEY. The Senator asked where the people would get their coal if Congress passed a law like this. I answer that the railroads would give the independent coal operators some-

thing like the number of cars to which they were entitled when they could not use them themselves.

Mr. DRYDEN. Does the Senator from Texas think that the independent coal operators of this country, with their organization as it is to-day, with their facilities for getting coal to market as they exist to-day, could begin to supply the demand of the American people?

Mr. BAILEY. Mr. President, I answer by saying that if that is true, the extent of railroad manipulation of the coal supply is greater than I suspected it to be, and shows the necessity for prompt and vigorous action. If the people of this country can not be supplied with coal without permitting the common carriers to violate the plainest and soundest public policy, then I am sure this ought not to be referred to any committee, but it ought to be passed promptly.

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from North Dakota?

Mr. DRYDEN. Certainly.

Mr. McCUMBER. May I ask the Senator a question right here?

Mr. DRYDEN. Certainly.

Mr. McCUMBER. In a very short time could not a coal company be incorporated and organized that would go right on with these mines and conduct them in the same way, with the exception that they would have to pay the freight on the coal that any private producer would have to pay? Would not that be the immediate result of the proposed law?

Mr. GALLINGER. Would not that be a trust?

Mr. DRYDEN. Mr. President, there are two matters proposed here for me to comment upon. In the first place, in reply to the Senator from Texas, if it is not the gravamen of the complaint against these great carrying companies that they monopolize the markets, that they hold the public by the throat, then what does all the denunciation we have been hearing amount to? If the independent operators can supply the public, why this outcry against the railroads—against an evil which does not exist?

Mr. BAILEY. They can not supply them because they can not get cars. The railroads now use their cars in hauling their own coal, and, according to the repeated declarations made here, they decline to supply independent operators with sufficient cars.

Mr. DRYDEN. What the Senator from Texas needs, then, is more railroads.

Mr. BAILEY. Not of the kind which misuse their customers and oppress their competitors.

Mr. DRYDEN. The Senator from North Dakota [Mr. McCUMBER] has asked me a question. It is a very easy thing in theory to talk about what may be done with enormous interests and enormous properties, but every practical man knows that you can not take great properties, involving hundreds of millions of dollars, and regulate them by a rule of thumb. These vast interests ramifying into every portion of the country, involving, as they do, sacred trusts, can not be turned over in the twinkling of an eye. These great property interests must be managed conservatively and carefully or they will bring on conditions which will inflict irreparable injury upon every part of the country.

I say it would be utterly impossible to take these great properties, if they began to be of the magnitude which has been stated here and elsewhere, and turn them over without sufficient time to do it. My proposition allows five years, and that is a short time in which to readjust the conditions which would result from the passage of this amendment.

I want it to be understood here and now that I am not opposing the amendment. I am not opposing any fair, reasonable, and workable plan which will bring about the result sought to be accomplished by the amendment. I do not think it is the wisest way to legislate to bring a matter of great national importance of this kind on the floor of the Senate for debate without the careful scrutiny and deliberation of the committee to whom it may be committed; but if it is to be passed, let us at least adopt those measures which it must be obvious to every reflecting man are necessary for the security of the people and of the great interests involved.

Mr. McLaurin. Mr. President, I desire to add a proviso, in pursuance of what has been suggested, to the amendment that I offered.

The VICE-PRESIDENT. The Senator has a right to perfect his own amendment. The proviso will be read by the Secretary.

The SECRETARY. Add at the end of the proposed amendment the following words:

*Provided, That the provisions of this amendment shall not take effect until the 1st day of May, 1908.*

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Jersey to the amendment of the Senator from West Virginia.

Mr. ALDRICH. Mr. President, I think there is a practical agreement in the Senate that the business of transportation by interstate carriers ought to be divorced from the business of production by the same carriers. But these amendments raise a large number of novel, intricate, and very important questions—questions as to the right of Congress, the standard of the power of Congress, to regulate commerce. I think the suggestion of the Senator from West Virginia [Mr. ELKINS] involves for the first time in the history of this country a proposition to forbid a common carrier to engage in interstate commerce, or to prevent a common carrier from engaging in interstate commerce, as a penalty for doing something in a State which is absolutely and perfectly lawful in that State and which the carrier is authorized to do by its charter and by the State authority.

Mr. TILLMAN. In some instances; not always.

Mr. ALDRICH. In an instance.

Mr. TILLMAN. I say in some instances that is the case.

Mr. ALDRICH. I say it is the first time that any such attempt as that has ever been made, I think, in our history as a country, and whether we can do it or ought to do it I suggest to the Senator is a very grave matter. I myself do not believe that it is necessary to go to that extent to prevent this evil, because I conceive it to be an evil.

The Senator from Texas says that if this amendment should go to the Committee on Interstate Commerce—and that opinion seemed to be shared by some other Senators—it would probably never be heard from again, judging from our experience in the consideration of the bill which is now before the Senate. It is true that the Committee on Interstate Commerce was engaged in the consideration of this bill for a number of weeks and that it failed to arrive at a conclusion as to any amendments which it would recommend to the bill; but I suggest to the Senator from Texas and to other Senators that the experience of the Senate in this regard might perhaps be an excuse for not affording a prompt relief or making a prompt report upon a measure of this kind.

I suggest that no Senator has any right to say that the Interstate Commerce Committee would not consider this matter fairly and promptly. The subject-matter of the amendment does not belong to the legislation which we are now considering. It is a kind of discrimination, if it has any place at all or has been legislated upon at all, which is affected by the so-called "Elkins law" and by the provisions of the existing interstate-commerce law, which forbid discriminations.

The recent decision of the Supreme Court in the Chesapeake and Ohio case points clearly to a remedy by Congress for this condition of affairs.

The number and the character of the amendments which are now before the Senate show conclusively that this matter can not properly be acted upon in this manner. The very amendment which the Senator from Texas commends as a model provision is remarkably full of holes, if I am any judge of legislation or of the English language.

It says that no carrier engaged in manufacturing shall engage in interstate commerce; but no penalty is provided, except the penalty that engaging in interstate commerce must cease. Who is to be punished by that penalty?

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. Certainly.

Mr. BAILEY. The Senator from Rhode Island knows that the general penalty clause of the bill would apply to this.

Mr. ALDRICH. But the penalty in this case is an absolute prohibition of engaging in interstate commerce.

Mr. BAILEY. That is true. That is an additional penalty.

Mr. ALDRICH. How is that to be enforced and against whom is it to be enforced?

Mr. BAILEY. I thought the Senator from Rhode Island—

Mr. ALDRICH. Who is to suffer by this penalty? Not the carrier itself, but the people of the country through which the road runs.

Mr. BAILEY. I thought the Senator from Rhode Island was complaining that there was nobody to suffer. Of course, if he now wants to say that everybody suffers, that is all right.

Mr. ALDRICH. The trouble is that everybody is to suffer—

Mr. BAILEY. Well, if everybody is to suffer—

Mr. ALDRICH. But perhaps the carrier least of all.

Mr. BAILEY. If everybody—

Mr. ALDRICH. The party which is the guilty party is to suffer least of all.

Mr. BAILEY. It is a little remarkable that the carrier, who

is to suffer least of all, is complaining most about this legislation.

Mr. ALDRICH. I do not know that the carrier is complaining, unless the Senator says that I am a carrier. I am complaining.

Mr. BAILEY. Oh, no, Mr. President; I am not one of those who are always insinuating that the Senator from Rhode Island is actuated by a bad motive. I think the Senator from Rhode Island is just as good as the Republican party. He generally votes the same way that all other orthodox Republicans vote, and, like all of his party associates, he "gets together," and when he can not make the other man surrender, he claims that the other man has surrendered. He has an illustrious example of that, however, in the head of his party, who makes a virtue of his surrender by claiming a victory. I am not one of those who are always impugning the motives of the Senator from Rhode Island, and I do not mean to insinuate that he is a carrier; but I do say he is the carrier's "next best friend" in this legislation. [Laughter.]

Mr. ALDRICH. Mr. President, what I am trying to point out to the Senate in this case is that this provision, which has the commendation of the Senator from Texas as a perfected piece of legislation which he is asking us to vote upon now and not to refer to a committee, contains no penalty, except to exclude the carrier if he is guilty of manufacturing an engine or of repairing a car, except the exclusion—

Mr. BAILEY. The Senator is mistaken. There was an express exception in the amendment which the Senator from Minnesota [Mr. CLAPP] sent to the desk.

Mr. ALDRICH. But the exception is—

Mr. BAILEY. It permits a carrier to mine coal for its own use.

Mr. ALDRICH. It permits the carrier to mine coal and to produce other commodities. Does that mean the repairing of a car?

Mr. BAILEY. For their own use; yes.

Mr. ALDRICH. Why? How?

Mr. BAILEY. Because that is for its own use.

Mr. ALDRICH. Well, but it is manufacturing.

Mr. BAILEY. I understand; but if a man manufactures for his own use he is not interfering with—

Mr. ALDRICH. But the amendment does not state that.

Mr. BAILEY. The Senator has the wrong amendment; that is all.

Mr. ALDRICH. I have the amendment as to which I asked the Senator from Texas if it was the amendment he had in view, and he said it was.

Mr. BAILEY. I supposed the Senator from Rhode Island was accurate enough to get the amendment which I described as the amendment which the Senator from West Virginia [Mr. ELKINS] accepted from the Senator from Minnesota [Mr. CLAPP].

Mr. ALDRICH. This is an amendment intended to be proposed by Mr. ELKINS, as modified. I do not know what amendment the Senator refers to. I should be glad to have it.

Mr. BAILEY. The Senator from Minnesota [Mr. CLAPP] will hand the Senator from Rhode Island what I have approved.

Mr. CLAPP. Here it is [handing paper to Mr. ALDRICH].

Mr. ALDRICH. The Senator from West Virginia [Mr. ELKINS] seems to have seven or eight different amendments and modifications here; and it is not at all strange that any Senator should be somewhat confused as to which particular amendment it was that the Senator from Texas commended.

Mr. BAILEY. Nothing would please me better than to see the Senator from Rhode Island and the Senator from West Virginia engage in "a fight to a finish on this question." [Laughter.]

Mr. ELKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from West Virginia?

Mr. ALDRICH. The amendment handed me by the Senator from Minnesota [Mr. CLAPP] purports to be, on its face, an amendment intended to be proposed by Mr. DANIEL as a substitute for the amendment. [Laughter.]

Mr. TILLMAN. Will the Senator from Rhode Island yield to me for a moment?

Mr. ALDRICH. I would lose my time if I should do so.

Mr. ELKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from West Virginia?

Mr. TILLMAN. I was asking the Senator from Rhode Island to yield to me.

The VICE-PRESIDENT. The Senator from West Virginia [Mr. ELKINS] first rose. Does the Senator from Rhode Island yield to him?

Mr. TILLMAN. It is for the Senator from Rhode Island to decide as to which Senator he will yield.

Mr. ALDRICH. Wait a moment. The amendment which is now given me by the Senator from Minnesota [Mr. CLAPP] is the precise amendment that I had in my hand and from which I was reading. [Laughter.]

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. And that shows the utter confusion which has arisen in regard to this matter.

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. I will yield to anybody who can explain this matter. [Laughter.]

Mr. CLAPP. Mr. President, I rise to a question of personal privilege.

The VICE-PRESIDENT. The Senator from Minnesota will state his question of privilege.

Mr. CLAPP. It is that the amendment which the Senator from Rhode Island [Mr. ALDRICH] first read from was not the same as the one I subsequently handed him. [Laughter.]

Mr. ALDRICH. I will ask that it be read from the desk by the Secretary to see if he can discover any difference between the two. I can not.

Mr. TILLMAN. Will the Senator from Rhode Island yield to me?

Mr. ALDRICH. I will after the amendment has been read.

Mr. BAILEY. Let us have this question settled.

Mr. ALDRICH. The Senator from Minnesota [Mr. CLAPP] informs me that the written words in the print do not belong there.

Mr. CLAPP. The written words do not belong there.

Mr. ALDRICH. I should like to have it read.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. Amendment intended to be proposed by—

Mr. ALDRICH. Let the Secretary just read the language of the amendments without the headings.

The Secretary read as follows:

It shall be unlawful for any common carrier engaged in producing, manufacturing, buying, furnishing, or selling, directly or indirectly, coal, coke, or any other commodity, to engage in interstate commerce: *Provided*, That nothing in this act shall be construed to prevent a carrier from mining coal or producing other commodities exclusively for its own use.

It shall be unlawful for any common carrier engaged in producing, manufacturing, buying, furnishing, or selling, directly or indirectly, coal, coke, or any other commodity, to engage in interstate commerce: *Provided*, That nothing in this act shall be construed to prevent a carrier from mining coal or producing other commodities exclusively for its own use.

Mr. ALDRICH. Now I yield to the Senator from South Carolina [Mr. TILLMAN].

Mr. BAILEY. Before that—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. I do.

Mr. BAILEY. The Senator from Rhode Island, then, was mistaken when he said that the amendment which he had in his hand did not provide for that exception. I was taking the word of the Senator from Rhode Island that he had the right amendment.

Mr. ALDRICH. I beg the Senator's pardon. It did provide for producing various commodities; but not in relation to the thing that I was asking about, the repairs of cars, manufacturing, etc.

Mr. TILLMAN. Will the Senator from Rhode Island yield to me?

Mr. ALDRICH. I will; but my time is passing.

Mr. DANIEL. Will the Senator yield to me for a moment?

The VICE-PRESIDENT. The Chair will state that interruptions will be taken from the fifteen minutes belonging to the Senator from Rhode Island.

Mr. ALDRICH. I will yield to the Senator from South Carolina for a question.

Mr. TILLMAN. The Senator mentioned a moment ago that there were several amendments offered by the Senator from West Virginia [Mr. ELKINS].

Mr. ALDRICH. Yes.

Mr. TILLMAN. I have the whole catalogue of the amendments which have been offered, which my clerk has prepared; and I notice that the Senator from West Virginia has one on page 7, one on page 29, one on page 33, one on page 35, one on page 87, one on page 101, one on page 127, one on page 129, one on page 145, one on page 147, and one on page 161. So he has got a pretty good flock of them. [Laughter.]

Mr. ELKINS. Mr. President—

Mr. ALDRICH. I was not talking about the amendments of—

Mr. ELKINS. Will the Senator allow me?

Mr. ALDRICH. No; I have not the time. I have but a minute left.

The VICE-PRESIDENT. The Senator from Rhode Island declines to yield.

Mr. ALDRICH. I was not discussing the amendments of the Senator from West Virginia as offered to this bill generally, but there are some half a dozen amendments or modifications of amendments on this particular subject offered by the Senator from West Virginia with the assistance of various Senators on both sides of the Chamber.

Mr. ELKINS. Now, Mr. President, will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from West Virginia?

Mr. ALDRICH. I do.

Mr. ELKINS. I want to correct the Senator from Rhode Island. He stated that there were a half dozen amendments offered by the Senator from West Virginia on this subject. There is but one amendment offered by the Senator from West Virginia now before the Senate, and that is the one pending. Why, then, does he go to search for a lot of other amendments which I have not offered?

Mr. ALDRICH. The Senator did offer an amendment, which was in printed form, which he has certainly modified two or three different times.

Mr. ELKINS. I have not—

Mr. ALDRICH. And which has been printed two or three different times.

Mr. ELKINS. I had two amendments on this subject, but offered only one of them. So the Senator is entirely incorrect in his statement when he says that I have offered six or seven amendments. I have not done so. I have offered but one.

Mr. ALDRICH. I admit that there is but one amendment that is now pending before the Senate, because there could be but one. If there had been within the range of parliamentary law any possibility of having more than one pending, the Senator would have had them pending. [Laughter.]

Mr. ELKINS. The Senator did me an injustice in saying that I had five or six amendments on this subject. I will be entirely satisfied if the Senator will vote for this one.

The VICE-PRESIDENT. The Chair is obliged to announce that the time of the Senator from Rhode Island [Mr. ALDRICH] has expired.

Mr. ALDRICH. Then I will speak later upon some other amendment.

Mr. LODGE. Mr. President, I think it is fairly demonstrated that there is a good deal of confusion in regard to these amendments. All I desire to say is that it seems to me that the best way to deal with this most important question would be to send it to the committee and have a proper bill presented to the Senate. I personally should not care to vote for that disposition of the subject, unless I could be assured beyond any reasonable peradventure that the matter would be disposed of at this session of Congress.

I think the question involved in this amendment is more important by far than all the local discriminations which this bill undertakes to cure. I do not think that, having given the whole winter to this subject, we can afford to adjourn this session without acting on it.

The ownership by the railroad companies of these great properties which comprise the necessities of life is an admitted evil. The attitude of the Supreme Court in the Chesapeake and Ohio case recognizes such ownership as contrary to sound public policy. It is idle to say that we are unable to deal with it or to stop it. If we are to be paralyzed in dealing with such an evil as this, then the interstate-commerce clause in the Constitution is utterly vain.

I should much prefer, as I have said, to see this matter referred to the committee if we can be assured that we shall deal with it conclusively and finally at this session; but, without that assurance and without that understanding, I think the Senate had better deal with it here to-day and to-morrow and for a week, if necessary, until we shall have secured suitable legislation that shall put an end to the operation by the railroads of great natural productions, which are absolutely vital to the well-being of the people of this country.

Mr. CLAPP. Mr. President, I shall detain the Senate but a moment. The question of the relation between the ownership and the production of coal and other commodities is not a new question. We had it before our committee a year ago this very month. We took testimony on it, and it was the testimony of railroad men. The greatest manager of transportation in the

world to-day candidly stated that they ought to be absolutely divorced.

This subject has been considered, not by reference to the committee, but certainly by members of the committee, and it must have been considered by everyone who has contemplated the ultimate dealing with this question at this session of Congress.

Personally I have always insisted to the Senator from West Virginia that this measure belonged properly in the bill as an amendment to the law of 1903; but he felt during all this time that it would be impossible to get this measure through as a separate provision of law, and therefore was anxious to have it adopted as an amendment to this bill.

I fully agree with the Senator from Virginia [Mr. DANIEL] that now is the proper time to dispose of this question. The fact that when we act we may interfere with people who have engaged in this business jointly will always confront Congress when Congress shall seek to act upon this question.

There never can be a solution of a great question designed to cure a great evil but that it may perhaps operate as a hardship upon some one. I believe a reasonable time given for the operation of this bill would be sufficient to relieve it of that objection.

I agree with the Senator from Massachusetts that if there could be an assurance that we could deal with this subject and dispose of it at this session it might be well to consider it in the committee; but we should have not only the delay incident to committee investigation, but we should have the delay incident to legislation in both Houses of Congress, and at a time when both Houses are being crowded with the current business as it approaches the closing hours of the session. Therefore, Mr. President, realizing the importance of this question, nevertheless I for one shall feel constrained to vote to dispose of it at this time as an amendment to the pending bill.

Mr. BEVERIDGE. Mr. President, before the Senator takes his seat—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. CLAPP. With pleasure.

Mr. BEVERIDGE. Does the Senator think, if this were in the form of an independent bill, that the Senate should give it considerable time in legislating upon it and passing it?

Mr. CLAPP. Only so far as considering the details of the provision. The fact that this is an evil is a recognized fact; the fact that production and transportation should be divorced is a recognized fact; and the fact that hardship will flow from that divorce for the time being must be a conceded fact.

Mr. BEVERIDGE. All of those things there is no question about; but what I am asking the Senator now is a practical question of legislation. He said that if the bill were reported from the committee it would take considerable time in the process of legislation.

Mr. CLAPP. Certainly.

Mr. BEVERIDGE. That, I assume the Senator means, would be because it is an important subject which should have the patient consideration of the Senate before it is passed?

Mr. CLAPP. Not necessarily. It would be for this reason—

Mr. BEVERIDGE. Well, for any reason.

Mr. CLAPP. Ninety Senators would have ninety opinions that would have to be thrashed out, just as they have to be thrashed out to-day.

Mr. BEVERIDGE. That brings me to the question that I finally wanted to ask the Senator. If he thinks it would consume time to deal with this subject properly if it were an independent bill, does he think that it will take less time to deal properly with this subject as an amendment to this bill?

Mr. CLAPP. It may take no less time; but dealing with it as an amendment to this bill assures its being dealt with and passed at this session of Congress.

Mr. BEVERIDGE. I am quite willing to do that, but I wanted the Senator's opinion upon that subject. That it is very important that we should not presently act upon it seems to me to be clear.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. TILLMAN].

Mr. FORAKER. I want to ask the Senator from Minnesota [Mr. CLAPP] a question, if I may, before he takes his seat. The Senator says that he desires a vote upon this proposition now. I want to know whether or not he has determined yet in what form he thinks this amendment should be adopted? When the Senator from West Virginia [Mr. ELKINS] offered the amendment the Senator from Minnesota drafted it in a different form, expressing what is understood to be the same proposition; but I do not know whether that is before the Senate or not. Can the Senator tell me?

Mr. CLAPP. I understand that it is before the Senate on the motion of the Senator from West Virginia.

Answering the Senator's first inquiry, I will say that I know just what I would vote for if I were framing the amendment, but I have no pride of opinion. The same object is covered substantially by the amendment of the Senator from Virginia [Mr. DANIEL]—that is, to put a stop to the union of transportation and production. The only way we can reach it is to prohibit the producer from engaging in interstate traffic.

Mr. FORAKER. I hope the Senator will not take his seat for a moment. I am quite as earnest about accomplishing that purpose as the Senator can be. I have repeatedly stated that on the floor of the Senate; but I am at a loss, in view of the many propositions that have been presented, to know to which one to give preference; and the Senator has given so much attention to this subject that I have great confidence in his judgment about it, and I want to get the benefit of his opinion.

Mr. CLAPP. If the Senator has such confidence in my judgment, it is my deliberate judgment that the Senate can spend time to no better advantage than by taking up now, at this time, and reconciling these views and working out an amendment to this bill.

Mr. FORAKER. I agree with the Senator about that; but I want to know which one of these propositions the Senator is advocating, if he can tell me, and if he is advocating any one in particular—

Mr. CLAPP. Will the Senator vote for the one I advocate?

Mr. FORAKER. I do not know whether I will or not.

Mr. CLAPP. Then what difference does it make to the Senator which one I advocate?

Mr. FORAKER. I probably would vote for it, because I think my mind runs very much as the Senator's does; but if the Senator can not tell me which one he advocates, he has no right to ask me if I will vote for the one he advocates. I am asking him in good faith. The Senator from West Virginia [Mr. ELKINS] offered an amendment. It was printed, and it was read to the Senate. We all understand what it provided. He offered only one amendment. Then the Senator from Minnesota [Mr. CLAPP], not being satisfied with that or for some reason—I do not know what the reason was—made a draft of an amendment to take the place, as a substitute, of the amendment offered by the Senator from West Virginia. That was read, and it is printed in the Record; but I do not know whether it is before the Senate or not. Nobody seems to know whether it is or not. I saw a while ago that the Senator from New Jersey offered an amendment to the amendment of the Senator from West Virginia as printed.

Mr. CLAPP. I thought the Senator desired to ask me a question.

Mr. FORAKER. The Senator had yielded the floor.

Mr. CLAPP. I beg the Senator's pardon. He insisted that I should retain the floor.

Mr. FORAKER. I insisted that the Senator should retain the floor until I could get an answer to a question.

Mr. CLAPP. I want to answer if I can get an opportunity to do so.

Mr. FORAKER. I want to try to find out in good faith what we are considering.

Mr. CLAPP. Give me a moment.

Mr. FORAKER. If the Senator will wait until I get ready, I will give him a moment. The Senator from New Jersey offered his amendment, not to the substitute that was prepared by the Senator from Minnesota and which the Senator from West Virginia had read from the desk as a substitute, as I understood, but to the original amendment of the Senator from West Virginia, and we have been proceeding here as though this original amendment was still before the Senate. I wanted to know to what amendment the Senator was speaking, if he could tell me. I do not know whether it is this one, or the other one, or the amendment offered by the Senator from Virginia [Mr. DANIEL], or the amendment offered by the Senator from Mississippi [Mr. McLAURIN].

Mr. CLAPP. Mr. President, in answer to the Senator's question, my own personal choice of an amendment would be as follows:

It shall be unlawful for any common carrier engaged in producing, manufacturing, buying, furnishing, or selling, directly or indirectly, coal, coke, or other commodity to engage in interstate commerce: *Provided*, That nothing in this act shall be construed to prevent a carrier from mining coal or producing other commodities exclusively for its own use.

Mr. FORAKER rose.

Mr. CLAPP. One moment. It has been suggested—and perhaps the suggestion is a wise one—to limit that prohibition to the articles produced by the carrier. It has further been suggested—and no doubt that suggestion is a wise one—that a

time be fixed in the future when the provision shall take effect. Those are all matters that follow the general central thought of the prohibition, and upon which it does seem to me the Senate ought to be able to come to some rational agreement.

Mr. FORAKER. I am very much obliged to the Senator, for he has answered just about as I supposed he would; but still I do not know what is before the Senate as the amendment that is being considered. By that I mean, Mr. President, that I do not know whether the Senator from West Virginia is still insisting upon his original amendment or whether we are considering the amendment that was drafted by the Senator from Minnesota, which he has just now read from the Record, which I understood the Senator from West Virginia to offer as a modification of his amendment yesterday.

Mr. LODGE. As a means of solving these doubts, I suggest that the Secretary read the pending amendment.

The VICE-PRESIDENT. The pending amendment is the one proposed by the Senator from West Virginia [Mr. ELKINS], which the Secretary will state.

Mr. FORAKER. I make this inquiry, Mr. President: Certainly the Senator from West Virginia yesterday offered as a modification of his own amendment the amendment that has just now been read by the Senator from Minnesota—

Mr. ELKINS. If the Senator will allow me to interrupt him, I did not accept that substitute.

Mr. FORAKER. Oh, then, it is all cleared up. I understood that the Senator did accept it.

Mr. ELKINS. No; I said if it reached the purpose at which I aimed, which was the correcting of this evil and abuse, then I would accept it.

Mr. LODGE. Mr. President—

Mr. FORAKER. I did not yield the floor. I want to speak briefly.

Mr. LODGE. I ask that the pending amendment be read.

The VICE-PRESIDENT. At the request of the Senator from Massachusetts, the amendment of the Senator from West Virginia will be stated.

Mr. ELKINS. I desire to say that on motion of the Senator from New Hampshire [Mr. GALLINGER] the words "authorized by its charter to do so" were stricken out. The amendment will stand now with those words stricken out.

The SECRETARY. The Senator from West Virginia originally offered the following—

Mr. LODGE. Mr. President, the amendment I desire to have read is the amendment that is pending, not what the Senator from West Virginia originally offered.

The VICE-PRESIDENT. The Secretary will state the amendment that is pending.

The SECRETARY. The amendment proposed by the Senator from New Jersey—

Mr. LODGE. I do not mean the amendment to the amendment. I know there is an amendment to the amendment. I asked for the reading of the amendment, not the amendment to the amendment.

The VICE-PRESIDENT. The Secretary will read the amendment of the Senator from West Virginia.

Mr. DANIEL. Mr. President, the substantive proposition now before the Senate, as I understand, is the substitute offered by the Senator from Mississippi [Mr. McLAURIN].

The VICE-PRESIDENT. The Chair would suggest that the amendment before the Senate now is an amendment to further perfect the amendment of the Senator from West Virginia.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. I still adhere to my belief that the best way to find out what amendment is pending is to have the pending amendment read; and I ask that it be read.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. TILLMAN. Will the Senator from Massachusetts yield to me for a moment?

Mr. LODGE. Mr. President, I want the amendment read. I do not want some other Senator to tell me what is the pending amendment, but I want the Secretary to read it.

Mr. TILLMAN. I did not want to tell the Senator what the pending amendment was.

The VICE-PRESIDENT. The Secretary will read.

The SECRETARY. The pending amendment is the amendment of the Senator from New Jersey—

Mr. LODGE. That is an amendment to the amendment.

Mr. TILLMAN. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from South Carolina will state his parliamentary inquiry.

Mr. TILLMAN. We have had so many amendments, substi-

tutes, and amendments to amendments, and so many speeches by Senators who have no right, under the unanimous-consent agreement, to get on their feet any more, that we are "all balled up," if I may use the expression; and, if I am in order, I move to lay the pending amendment and all amendments thereto and substitutes therefor on the table, because I want to offer one myself and get started over again.

Mr. FORAKER. Mr. President—

Mr. LODGE. That motion is not debatable.

The Secretary proceeded to read as follows:

It shall be unlawful for any common carrier engaged in producing, manufacturing, buying, furnishing, or selling, directly or indirectly, coal, coke, or any other commodity, to engage in interstate commerce.

Mr. ALDRICH. I rise to a question of order, Mr. President.

The VICE-PRESIDENT. The Senator from Rhode Island will please state his question of order.

Mr. ALDRICH. I understood the Senator from South Carolina [Mr. TILLMAN] to move that the pending amendment and the amendment to which it is offered as an amendment lie upon the table.

The VICE-PRESIDENT. That is the motion.

Mr. LODGE. That does not cut off reporting the amendment.

The VICE-PRESIDENT. The Chair so understands, and intended to present the motion of the Senator from South Carolina to the Senate after the amendment had been stated.

Mr. FORAKER. Before we undertake to lay the amendment on the table, we ought to know what the amendment is.

Mr. LODGE. If the Senator will allow the Secretary to report the amendment, which is the only thing in order, we shall know.

Mr. FORAKER. That is what I am waiting for.

The VICE-PRESIDENT. In order that the Senate may clearly understand the question, the Chair will restate it. The Senator from South Carolina moves to lay on the table the pending amendment and amendments incident thereto.

Mr. DANIEL. I rise to a parliamentary question.

The VICE-PRESIDENT. The Senator from Virginia will state his parliamentary inquiry.

Mr. DANIEL. A point of order was made against the motion of the Senator from South Carolina to lay on the table—that he made a speech before making the motion, which was not in order.

The VICE-PRESIDENT. The Chair will submit the question to the Senate.

Mr. BACON. Does the Chair propose to submit to the Senate the question whether a motion to lay on the table is in order?

The VICE-PRESIDENT. That is precisely the question.

Mr. BACON. The Chair will pardon me for a moment.

The VICE-PRESIDENT. Yes.

Mr. BACON. Upon the particular ground stated by the Senator from Virginia, or whether it is generally in order? The reason I ask the question is if the latter—

Mr. ALDRICH. Mr. President, this is debate.

Mr. BACON. I desire to make a point of order. A motion to lay on the table is not in order—

The VICE-PRESIDENT. The Chair is going to submit to the Senate the question whether the motion is in order.

Mr. LODGE and Mr. ALDRICH. This is debate.

Mr. BACON. I desire to say a word on that subject.

Mr. LODGE. I understood the Chair to say that he proposed to submit the question of order to the Senate.

The VICE-PRESIDENT. The Chair does.

Mr. LODGE. That is not debatable.

The VICE-PRESIDENT. The Chair so understands and will recognize no Senator for debate until that question is disposed of.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. The Senate will recall that on Thursday or Friday last the Chair submitted to its consideration whether, under the unanimous-consent agreement, a motion to lay an amendment on the table before the close of the debate under the fifteen-minute rule was in order. The Senate did not then decide the question brought to its attention by the Chair. The question now rises in a distinct and parliamentary way. Therefore the Chair will submit to the Senate the question whether the motion of the Senator from South Carolina to lay on the table is in order.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia rise to a point of order?

Mr. BACON. I do.

The VICE-PRESIDENT. The Senator will state his point of order.

Mr. BACON. The point I make is that a question of order is always debatable, at least to the extent of stating the grounds on which it is based.

Mr. HALE. Not a motion to lay on the table.

Mr. BACON. The question whether the motion to lay on the table is in order is a debatable question, undoubtedly. The motion to lay on the table itself is not debatable, but whether or not, as a matter of order, that motion is in order is undoubtedly debatable. Every question of order is debatable, and the question of order which I raise is whether or not, under the consent agreement, a motion to lay on the table is in order, and I am in order, I think, Mr. President, to submit reasons why that point of order is good. If there is any rule or practice under which under any circumstances a point of order is not debatable to the extent indicated, unless it is pending some other question which does not permit of it, I do not know of it.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. The twentieth rule, section 1, reads as follows:

A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the presiding officer without debate, subject to an appeal to the Senate.

Section 2 of that rule—

Mr. BACON. Mr. President—

Mr. HALE. Let us hear the Chair.

Mr. BACON. I ask the Chair's pardon.

Mr. HALE. Let the Chair complete his statement.

The VICE-PRESIDENT. Section 2 of Rule XX provides:

The presiding officer may submit any question of order for the decision of the Senate.

Mr. BACON. Undoubtedly, Mr. President—

The VICE-PRESIDENT. The Chair submits the question of order to the determination of the Senate, and he is of the opinion that neither the order nor the propriety of its submission to the Senate is debatable.

Mr. HALE. I ask, Mr. President, whether in all logic, and for the purpose of completing any business before the Senate, the submission by the Chair to the Senate of a proposition of order should not be subject to a different rule from that which would apply if the Chair ruled on the point of order. Otherwise, Mr. President, we may as well go on, because if this can be debated, then any motion to lay on the table may just as well be debated. But the stringency that is intended to follow a motion to lay on the table and which is intended to bring a conclusion, and the purpose for which it is inserted in the rule, must be followed out in its result to the question that is submitted to the Senate by the Chair on a motion to lay on the table. If not, then there is no avail in submitting it.

Mr. BACON. Mr. President, I do not for a moment question the contention of the Senator that so far as the motion to lay on the table itself is concerned, it is not debatable. The question which I raise is whether, under the terms of the particular consent order under which we are proceeding, which says that amendments shall be discussed, and after discussion shall be disposed of, a motion to lay on the table is in order before the discussion of an amendment is ended. That is my point; and I say it is undoubtedly a correct one, if the consent order means anything at all. I freely grant that after the discussion of an amendment which has been proposed it is in order for the Senate to dispose of it under the consent rule, either by voting directly upon it or upon a motion to lay on the table. But the consent order is that we shall dispose of amendments after discussion, and a motion to lay on the table is in direct contravention of and antagonism to that consent until the amendment is so discussed. Without the consent order no vote of any kind would now be in order upon these amendments. I have stated the point.

Mr. ALDRICH. Mr. President, it has been well settled here, and, I think, everywhere else, that pending a motion which is not debatable in itself all subordinate and collateral questions must be settled without debate. Otherwise, under the guise of raising questions of order, debate might be continued forever. I think the Chair is entirely right and that no discussion ought to be permitted.

Mr. BACON. The Senator would be correct if we were proceeding under the ordinary rules, but we are proceeding under a consent agreement which is in conflict with the rules.

The VICE-PRESIDENT. The question is, Is the motion of the Senator from South Carolina in order?

Mr. CULBERSON. I rise to a parliamentary inquiry. What is the motion?

Mr. LODGE. To lay on the table.

The VICE-PRESIDENT. To lay on the table the amendment

of the Senator from West Virginia and all amendments incident thereto.

Mr. CULBERSON. I make the point of order that a motion to lay all of the amendments on the table at one time can not be made. There are different amendments pending here.

The VICE-PRESIDENT. The Chair is going to leave the question to the Senate.

Mr. TILLMAN. Will the Chair indulge me for a moment? I had no purpose or desire to do other than to get the Senate out of the tangle into which we have gotten.

Mr. LODGE. Mr. President, debate is out of order.

Mr. TILLMAN. We have an amendment and an amendment to it and a substitute, and I have moved to lay them on the table.

The VICE-PRESIDENT. The Chair decides that all debate is out of order. The only question before the Senate is this: Is the motion of the Senator from South Carolina in order?

Mr. HALE. Question!

The VICE-PRESIDENT. Those who are of opinion that the motion is in order will say "aye;" the contrary "no." In the opinion of the Chair—

Mr. LODGE. I do not think that was understood.

Mr. HALE. Will the Chair again state the question, and let us have a division upon it?

The VICE-PRESIDENT. Is the motion of the Senator from South Carolina in order?

Mr. HALE. That is it. Let the Chair put that. I do not think the Chair was understood.

The VICE-PRESIDENT. Is the motion of the Senator from South Carolina in order?

Mr. CULLOM and Mr. TELLER. A division.

Mr. HALE. We may as well have the yeas and nays.

The yeas and nays were ordered.

The VICE-PRESIDENT. Those who are of opinion that the motion is in order will answer "yea" as their names are called, and those who are opposed will answer "nay."

Mr. DANIEL. I ask that the motion—

The Secretary proceeded to call the roll, and called the name of Mr. ALDRICH.

Mr. LODGE. It is impossible to hear the Secretary or anybody else.

The VICE-PRESIDENT. The Senate will be in order.

Mr. DANIEL. I ask that the motion of the Senator from South Carolina may be read for the information of the Senate.

Mr. LODGE. The first name had been called on the roll call.

Mr. DANIEL. Not when I spoke. It had not been before I addressed the Senate.

The VICE-PRESIDENT. It was not called when the Senator addressed the Chair.

Mr. DANIEL. May I be permitted to make a statement?

Several SENATORS. No! No!

Mr. LODGE. Statements are out of order.

Mr. DANIEL. I had addressed the Chair before a name was read, and the Chair referred to the fact that order should be restored.

The VICE-PRESIDENT. The Chair understands that debate is not in order, regardless of the question whether or not the roll call had been commenced.

Mr. HALE. Question!

Mr. BURKETT. May I ask a parliamentary inquiry? There is some discussion here as to what we are voting on. We are voting on the ability to entertain the motion to lay on the table, and not on the motion to lay on the table.

The VICE-PRESIDENT. Not on the motion to lay on the table, but upon the question whether the Chair shall entertain the motion.

The Secretary resumed the calling of the roll.

Mr. GALLINGER. I rise to a point of order. There is so much confusion that the responses can not possibly be heard.

The VICE-PRESIDENT. The Senate will be in order, and the roll call will be suspended until it is in order. [After a pause.] The Secretary will resume the calling of the roll.

The Secretary resumed and concluded the calling of the roll.

The result was announced—yeas 51, nays 29, as follows:

## YEAS—51.

Aldrich	Dick	Kittredge	Piles
Allee	Dolliver	Knox	Platt
Ankeny	Dryden	La Follette	Rayner
Bailey	Flint	Latimer	Scott
Berry	Frye	Lodge	Smoot
Bulkeley	Fulton	Long	Spooner
Burkett	Gamble	McCreary	Stone
Carter	Gearin	Millard	Sutherland
Clapp	Hale	Morgan	Teller
Clark, Mont.	Hansbrough	Nelson	Tillman
Clark, Wyo.	Hemenway	Newlands	Warren
Crane	Hopkins	Nixon	Wetmore
Cullom	Kean	Penrose	

## NAYS—29.

Alger	Clay	Frazier	Perkins
Bacon	Culbertson	Gallinger	Pettus
Beveridge	Daniel	McCumber	Simmons
Blackburn	Dillingham	McEnery	Taliaferro
Brandegee	Dubois	McLaurin	Warner
Burnham	Elkins	Martin	
Burrows	Foraker	Money	
Clarke, Ark.	Foster	Overman	

## NOT VOTING—9.

Allison	Depew	Heyburn	Patterson
Burton	Gorman	Mallory	Proctor
Carmack			

The VICE-PRESIDENT. The Chair understands that under the interpretation of the Senate the motion to lay on the table is in order. The question, therefore, is on agreeing to the motion of the Senator from South Carolina [Mr. TILLMAN] that the amendment of the Senator from West Virginia [Mr. ELKINS] and amendments incident thereto be laid upon the table. [Putting the question.] In the opinion of the Chair the "noes" have it.

Mr. HALE. Let us have the yeas and nays.

The VICE-PRESIDENT. Is there a second to the demand for the yeas and nays? In the opinion of the Chair there is not.

Mr. LODGE. A parliamentary inquiry, Mr. President.

The VICE-PRESIDENT. The Senator from Massachusetts will state his parliamentary inquiry.

Mr. LODGE. I understand the motion is to lay upon the table the pending amendment and the amendments pending thereto. Nothing else can be laid upon the table.

Mr. CULBERSON. Mr. President, a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Texas will state his parliamentary inquiry.

Mr. CULBERSON. The motion of the Senator from South Carolina is to lay on the table the pending amendment and all other amendments upon this question.

Mr. TILLMAN. The Senator is entirely wrong. I did not make any such motion.

The VICE-PRESIDENT. The Chair will ask the Senator from South Carolina to restate his motion.

Mr. TILLMAN. My motion was to lay on the table the amendment of the Senator from West Virginia and amendments thereto or substitutes therefor.

Mr. CULBERSON. That is about as I understand it.

Mr. TILLMAN. There can be but two.

Mr. CULBERSON. If it is more than one, it is in the plural.

The VICE-PRESIDENT. The Chair put the question to the Senate, and understood it to refuse to lay on the table the amendment and pending amendments thereto.

Mr. HALE. There has been so much confusion—

The VICE-PRESIDENT. The Senate will be in order. The Chair must request Senators to refrain from audible conversation in the Chamber, and the business of the Senate will be suspended until there is order.

Mr. HALE. The Senate has been so noisy it is impossible to know what has been done. I do not know what has become of the call for the yeas and nays.

The VICE-PRESIDENT. The Chair asked if there was a second to the demand of the Senator from Maine for the yeas and nays upon the question of agreeing to the motion of the Senator from South Carolina.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. The Chair was of opinion that there was not a second, as not one-fifth of the Senators present seconded the call.

Mr. HALE. There was so much confusion that nobody knew that. I did not.

Mr. CULLOM. Neither did I.

The VICE-PRESIDENT. If there is doubt about it, the Chair will again ask whether there is a second to the demand of the Senator from Maine for the call of the roll? [Putting the question.] In the opinion of the Chair there is.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

The roll call having been concluded, the result was announced—yeas 29, nays 49, as follows:

## YEAS—29.

Aldrich	Cullom	Lodge	Spooner
Allee	Dick	Long	Sutherland
Ankeny	Frye	McEnery	Tillman
Bulkeley	Hale	Millard	Warren
Burkett	Hopkins	Nelson	Wetmore
Burnham	Kean	Penrose	
Carter	Knox	Piles	
Clark, Wyo.	Latimer	Platt	

## NAYS—49.

Alger	Daniel	Gearin	Perkins
Bacon	Dillingham	Hansbrough	Pettus
Bailey	Dolliver	Hemenway	Rayner
Berry	Dryden	Kittredge	Scott
Beveridge	Dubois	La Follette	Simmons
Blackburn	Elkins	McCreary	Smoot
Brandeggee	Flint	McCumber	Stone
Burrows	Foraker	McLaurin	Tallaferro
Clapp	Foster	Martin	Teller
Clark, Mont.	Frazier	Money	Warner
Clarke, Ark.	Fulton	Newlands	
Clay	Gallinger	Nixon	
Culberson	Gamble	Overman	

## NOT VOTING—11.

Allison	Crane	Heyburn	Patterson
Burton	Depew	Mallory	Proctor
Carmack	Gorman	Morgan	

So the motion to lay on the table was rejected.

Mr. HALE. We have now got back to just where we started. I move that the Senate proceed to the consideration of executive business.

Mr. ALDRICH. Before that is done, I wish to state that I voted to lay these amendments on the table, because I believed that the proposition of the Senator from South Carolina [Mr. TILLMAN] was much better than the pending proposition; not that I cared to dispose of the question in that way.

I ask unanimous consent that the proposition of the Senator from South Carolina be now read, in order that it may appear in the RECORD and be taken up for consideration in the morning.

Mr. LODGE. And printed.

Mr. ALDRICH. And printed.

Mr. TELLER. Let it be printed.

Mr. GALLINGER. Mr. President, before that is done I desire to say that I voted against the motion of the Senator from South Carolina because I believed it was distinctly in violation of the unanimous-consent agreement, and for the further reason that I never had heard of the amendment to which the Senator from Rhode Island [Mr. ALDRICH] seems to have had access. I do not know what it is, and even if I had thought that we could adopt, under the unanimous-consent agreement, the motion of the Senator from South Carolina, I would not have voted for it on the ground that there was an amendment better than those pending. I think the Senate is fully capable of proceeding under the unanimous-consent agreement and disposing of this business, if it will be patient in its work.

Mr. BEVERIDGE. Before the Senator takes his seat—

Mr. HALE. I must insist, as this gives rise to debate—

Mr. TELLER. Mr. President, I want to say only one word.

Mr. BEVERIDGE. I should like to ask the Senator from New Hampshire—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. I do.

Mr. BEVERIDGE. I will wait.

The VICE-PRESIDENT. Does the Senator from Maine withhold his motion?

Mr. TILLMAN. I hope the Senator from Maine will permit the amendment to be printed.

Mr. SCOTT. Let the amendment be read.

The VICE-PRESIDENT. The Senator from Indiana rose to ask a question of the Senator from New Hampshire.

Mr. BEVERIDGE. I will wait.

Mr. TILLMAN. I wish the Senator from Maine would allow this proposed amendment to be printed.

Mr. HALE. I will do so.

Mr. GALLINGER. Let it be read.

Mr. HALE. Very well; let it be read. I will withhold my motion for that purpose.

Mr. TELLER. Mr. President, I wish to say, in answer to the statement made by the Senator from New Hampshire, that according to the precedents and usages laying on the table is not a violation of the consent rule in this case.

Mr. TILLMAN. Mr. President—

Mr. GALLINGER. Mr. President, that is news to me.

Mr. FORAKER. Mr. President—

Mr. HALE. I must—

Mr. GALLINGER. Where a unanimous-consent agreement specifically says that we shall dispose of an amendment after the discussion closes, and some Senator desires to discuss it, I confess it is news to me that it may be overridden by any parliamentary procedure.

Mr. TELLER. When we have agreed on a particular time to vote, that presents another question. We only agreed that the discussion should proceed in this way. I made the statement when the question was before the Senate the other day that if anybody abused the consent agreement, or we thought

it was abused, we would still have a right to move to lay an amendment on the table, for such was already the rule.

Mr. GALLINGER. But the Senator's statement does not make a rule.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Ohio?

Mr. HALE. I think it is in the interest of good legislation that the Senate should let this matter depart from its mind for the present and think of it over night. We will be in better condition to legislate to-morrow than now.

Mr. TILLMAN. Will the Senator from Maine yield to me to make a statement?

Mr. HALE. Half a dozen Senators have asked me to yield.

Mr. TILLMAN. Then I rise to a question of personal privilege.

The VICE-PRESIDENT. The Senator from South Carolina will state his question of personal privilege.

Mr. TILLMAN. When I moved half an hour ago to lay the amendment on the table I had no purpose of trying to force the Senate to consider something of my own, because it is not my own. I stated yesterday very frankly the perplexities and the magnitude of this question as it has presented itself to my mind, and I also stated that I had asked half a dozen or more great lawyers to give me the benefit of their legal ability and experience to try to frame something which would meet the difficulty.

I have here four suggested amendments, and I have three or four in my desk. None of them have ever satisfied me, because there are perplexities about this question that Senators are just beginning to realize, and the further it is discussed and the more effort is made to destroy the evil which we all recognize, without doing great harm to other interests, the greater difficulty will be found of using language and putting in provisions that will protect such cases as were instanced by the Senator from North Carolina in the lumber road and others that I have indicated.

Therefore, I hope the Senate will not consider that in moving to lay this amendment on the table it was for the purpose of exploiting myself at all, because this is not my work. I have amended it a little, but it does not satisfy me yet, and it will not satisfy the Senate. But I found the Senate had reached a point where we were, as I said, "balled up." We had an amendment, an amendment to the amendment, and a substitute for the amendment, and we apparently had got to a point where we could not do anything but talk. Senators were breaking the unanimous-consent agreement by speaking twice on the amendment of the Senator from West Virginia, when under the agreement they could not do it. So I tried to untie the knot, or to cut it; that is all. I hope Senators will not undertake to accuse me of egotism in their hearts or in other ways because I took this action. That is all there is about it. Now, I want to present the amendment, and I ask to have it printed. It is to come in at the end of section 1.

Mr. ALDRICH and Mr. GALLINGER. Let it be read.

The VICE-PRESIDENT. At the request of the Senator from Rhode Island, the amendment will be read.

Mr. HALE. The motion for an executive session is in order. Nothing else is in order.

The VICE-PRESIDENT. It is, if the Senator from Maine insists upon it.

Mr. ALDRICH. I ask that the amendment be read, so that it may go into the RECORD.

Mr. HALE. The Senator asks that and another Senator asks for another thing. I will consent that the amendment be read. After that I will insist upon the motion, and the Senate can decide as it chooses on the motion.

The VICE-PRESIDENT. Without objection, the Secretary will read the amendment sent to the desk by the Senator from South Carolina.

The Secretary read as follows:

At the end of section 1 add:

"From and after the 1st day of January, 1908, it shall be unlawful for any carrier owning or operating any railroad used in interstate commerce to engage in interstate commerce when it can be shown that such railroad, directly or indirectly, by stock ownership or otherwise, has or holds any control, part ownership, or interest in the business of mining or manufacturing or trading in any commodity transported over such railroad as interstate commerce; nor shall any such common carrier, after the date aforesaid, directly or indirectly, engage in any other business than that of a common carrier, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business as a common carrier.

"Any violation of this provision shall subject the offending common carrier to a forfeiture of \$2,000 for each offense, and in case of a continuing violation each day shall be deemed a separate offense. Such forfeiture or forfeitures shall be recovered in a civil suit in the name of the United States, brought under the direction of the Attorney-General, in the United States circuit court for the district wherein

the carrier has its principal operating office, or in any district through which the road of the carrier may be operated."

The VICE-PRESIDENT. Will the Senator from Maine withhold his motion for an executive session until the Chair lays before the Senate a message from the President of the United States and some messages from the House of Representatives?

Mr. HALE. And for nothing else.

The VICE-PRESIDENT. And for nothing else.

#### ARMY SUPPLIES AT SAN FRANCISCO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. HALE, was referred to the Committee on Appropriations, and ordered to be printed:

*To the Senate and House of Representatives:*

I herewith transmit a letter from the Secretary of War in respect to the situation as to the Army supplies at San Francisco. His letter contains appendices showing the supplies which have been transmitted to San Francisco and their cost, and set forth the necessity for an additional appropriation of \$500,000, which I recommend be made at once. This is to meet the requirements of the immediate future.

THEODORE ROOSEVELT.

THE WHITE HOUSE, May 8, 1906.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14397) making appropriations for the support of the Army for the fiscal year ending June 30, 1907, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. CAPRON, and Mr. SULZER managers at the conference on the part of the House.

#### ARMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14397) making appropriations for the support of the Army for the fiscal year ending June 30, 1907, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the request for a conference by the House be granted, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and Mr. WARREN, Mr. FORAKER, and Mr. BLACKBURN were appointed.

#### REGULATION OF MOTOR BOATS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4094) to amend section 4426 of the Revised Statutes of the United States, regulation of motor boats, which was, on page 3, line 2, after the word "hire," to insert "but not engaged in fishing as a regular business."

Mr. FRYE. I move that the Senate concur in the amendment of the House.

Mr. ALDRICH. I ask that the bill, with the amendment, be referred to the Committee on Commerce. I shall have to do that. I established a precedent the other day and I will have to ask that this amendment take that course. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

#### MARY E. DUGGER.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1975) granting an increase of pension to Mary E. Dugger, which was, in line 6, after the name "Jefferson," to insert the initial "L."

Mr. McCUMBER. I move that the Senate concur in the House amendment.

The motion was agreed to.

#### FORT DOUGLAS MILITARY RESERVATION.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5498) granting additional lands from the Fort Douglas Military Reservation to the University of Utah, which was, on page 2, line 16, to strike out all after the word "further," down to and including "Utah," line 20, and insert:

That there is reserved to the United States the perpetual right to maintain, alter, rebuild, and enlarge the sewer which runs from the Fort Douglas military post across said tract of land, or to construct and maintain a new sewer system across the same should it be desirable so to do.

Mr. SUTHERLAND. I move that the Senate concur in the House amendment.

Mr. ALDRICH. I move that it be referred to the Committee on Public Lands or whatever committee it came from.

Mr. CULLOM. It came from the Committee on Military Affairs.

Mr. ALDRICH. They can report it back to-morrow.

The VICE-PRESIDENT. The bill originally was reported from the Committee on Military Affairs.

Mr. WARREN. The matter has the full indorsement of the War Department. It has passed the Senate both as a separate bill and in the Army appropriation bill. The Senate bill now has passed the House with an amendment. I hope that the bill may receive final action here, so that the provision can be stricken out of the Army appropriation bill when it is considered by the conferees.

Mr. ALDRICH. Very well.

The VICE-PRESIDENT. The Senator from Rhode Island withdraws his motion to refer. The Senator from Utah moves that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

#### NORTHERN PACIFIC RAILWAY LAND GRANT.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2292) for the relief of certain entrymen and settlers within the limits of the Northern Pacific Railway land grant, which was on page 2, line 8, after the word "abandoned" to insert:

*Provided*, That all lieu selections made under this act shall be confined to lands within the State where the private holdings are situated.

Sec. 2. That this act shall become effective upon an acceptance thereof by the Northern Pacific Railway Company being filed with the Secretary of the Interior.

Mr. ALDRICH. I think I will have to ask that that go to the Committee on Public Lands.

The VICE-PRESIDENT. The bill and amendment will be referred to the Committee on Public Lands.

#### EXECUTIVE SESSION.

Mr. HALE. Mr. President, I call for the regular order. The rest of these matters can wait.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, May 9, 1906, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate May 8, 1906.*

##### REGISTER OF LAND OFFICE.

Truman G. Daniells, of Alameda, Cal., to be register of the land office at Oakland, Cal. (temporarily removed from San Francisco by Executive order of April 28, 1906), vice Aaron B. Hunt, term expired.

##### RECEIVER OF PUBLIC MONEYS.

Sargent S. Morton, of California, to be receiver of public moneys at Oakland, Cal. (temporarily removed from San Francisco by Executive order of April 28, 1906), for the unexpired part of his term of four years from February 4, 1903, as receiver at San Francisco.

##### PROMOTIONS IN THE NAVY.

Ensign Charles T. Wade to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1905, after having completed three years' service in that grade.

Lieut. (Junior Grade) Charles T. Wade to be a lieutenant in the Navy from the 1st day of July, 1905, vice Lieut. Archibald H. Davis, promoted.

##### PROMOTIONS IN THE ARMY.

Lieut. Col. James E. Macklin, Third Infantry, to be colonel from May 8, 1906, vice Ray, Fourth Infantry, retired from active service.

Maj. Lea Febiger, detailed inspector-general, to be lieutenant-colonel of infantry from May 8, 1906, vice Macklin, Third Infantry, promoted.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 8, 1906.*

##### ASSOCIATE JUSTICE OF OKLAHOMA.

Frank E. Gillette, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma.

##### MARSHAL.

Harmon L. Rummel, of Arkansas, to be United States marshal for the eastern district of Arkansas.

##### PROMOTIONS IN THE ARMY.

##### Corps of Engineers.

Capt. E. Eveleth Winslow, Corps of Engineers, to be major from April 2, 1906.

First Lieut. Edward M. Adams, Corps of Engineers, to be captain from April 2, 1906.

Second Lieut. John J. Kingman, Corps of Engineers, to be first lieutenant from April 2, 1906.

#### Infantry arm.

Second Lieut. Wallace McNamara, Twenty-seventh Infantry, to be first lieutenant from June 17, 1905.

Second Lieut. William J. Schmidt, Twenty-sixth Infantry, to be first lieutenant from June 30, 1905.

Second Lieut. David A. Henkes, Twenty-eighth Infantry, to be first lieutenant from July 17, 1905.

Second Lieut. Guy E. Bucker, Second Infantry, to be first lieutenant from July 20, 1905.

Second Lieut. Robert G. Peck, Twenty-seventh Infantry, to be first lieutenant from July 28, 1905.

Second Lieut. Robert J. Binford, Fifteenth Infantry, to be first lieutenant from July 28, 1905.

Second Lieut. John A. Brockman, Seventh Infantry, to be first lieutenant from July 28, 1905.

Second Lieut. Robert W. Adams, Second Infantry, to be first lieutenant from July 29, 1905.

Second Lieut. Sheldon W. Anding, Eighth Infantry, to be first lieutenant from August 8, 1905.

Second Lieut. William G. Murchison, Eighth Infantry, to be first lieutenant from August 8, 1905.

Second Lieut. Charles C. Finch, Eleventh Infantry, to be first lieutenant from August 11, 1905.

Second Lieut. John S. McCleery, Twentieth Infantry, to be first lieutenant from August 15, 1905.

Second Lieut. Elvin H. Wagner, Seventeenth Infantry, to be first lieutenant from August 21, 1905.

Second Lieut. Thomas W. Brown, Twenty-seventh Infantry, to be first lieutenant from August 30, 1905.

Second Lieut. Otis R. Cole, Nineteenth Infantry, to be first lieutenant from September 2, 1905.

Second Lieut. Shelby C. Leasure, Fourteenth Infantry, to be first lieutenant from September 10, 1905.

Second Lieut. Daniel E. Shean, Sixteenth Infantry, to be first lieutenant from September 12, 1905.

Second Lieut. Charles F. Herr, Nineteenth Infantry, to be first lieutenant from September 22, 1905.

#### POSTMASTERS.

##### ARKANSAS.

R. S. Coffman to be postmaster at Searcy, in the county of White and State of Arkansas.

##### INDIAN TERRITORY.

John McFall, jr., to be postmaster at Ramona, in District Four, Indian Territory.

##### NEW YORK.

Edward Bolard to be postmaster at Salamanca, in the county of Cattaraugus and State of New York.

##### OHIO.

William H. Antram to be postmaster at Lebanon, in the county of Warren and State of Ohio.

W. B. Bryson to be postmaster at Wooster, in the county of Wayne and State of Ohio.

Gilbert D. McIntyre to be postmaster at Orrville, in the county of Wayne and State of Ohio.

##### PENNSYLVANIA.

Edgar J. Graff to be postmaster at Blairsville, in the county of Indiana and State of Pennsylvania.

##### WEST VIRGINIA.

Mathew A. Jackson to be postmaster at Lewisburg, in the county of Greenbrier and State of West Virginia.

Horatio S. Whetsell to be postmaster at Kingwood, in the county of Preston and State of West Virginia.

### HOUSE OF REPRESENTATIVES.

TUESDAY, May 8, 1906.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

#### ZEBULON MONTGOMERY PIKE MONUMENT ASSOCIATION.

The SPEAKER laid before the House the bill (H. R. 13743) to provide souvenir medallions for the Zebulon Montgomery Pike Monument Association, with a Senate amendment thereto. The Senate amendment was read.

Mr. BROOKS of Colorado. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. The question is on the motion of the gen-

tleman from Colorado, that the House concur in the Senate amendment.

The question was taken; and the motion was agreed to.

#### BRIDGE ACROSS MISSOURI RIVER.

The SPEAKER laid before the House from the Speaker's table the bill (S. 5796) to authorize the construction of a bridge across the Missouri River and establish it as a post-road.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Kansas City, St. Joseph and Excelsior Springs Railway Company, a corporation organized under the laws of the State of Missouri, its successors and assigns, be, and they are hereby, authorized to construct a railroad, wagon, and foot bridge and approaches thereto across the Missouri River at a point on the north boundary line of Kansas City, Mo., to a point opposite the said Kansas City, Mo., on the north side of said river, in Clay County, in the State of Missouri, said bridge to be so placed as to be erected between what is known as Delaware street and Lydia avenue, in Kansas City, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. ELLIS, a motion to reconsider the last vote was laid upon the table.

Mr. ELLIS. Mr. Speaker, I move that the bill H. R. 18532, a similar bill to the one just passed, on the House Calendar, be laid upon the table.

The SPEAKER. The question is on the motion of the gentleman from Missouri that a similar House bill be laid upon the table.

The question was taken; and the motion was agreed to.

#### OFFENSES AGAINST ELECTIVE FRANCHISE.

Mr. BROOKS of Colorado. Mr. Speaker, I present herewith for filing the report of the majority on the bill (H. R. 224) in relation to the elective franchise, defining offenses against the same and prescribing punishments therefor, and I ask unanimous consent that the minority may have ten days in which to submit a minority report.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the minority may have ten days in which to file a minority report on the bill just referred to. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

#### ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to report back the bill (H. R. 14397) making appropriation for the support of the Army for the fiscal year ending June 30, 1907, with Senate amendments thereto, with the recommendation that all Senate amendments be disagreed to and that the House request a conference thereon; and I now move that the House resolve itself into the Committee of the Whole House for the purpose of considering the Senate amendments.

The SPEAKER. The gentleman from Iowa, by direction of the Committee on Military Affairs, reports back the Army appropriation bill with Senate amendments thereto, which is referred to the Committee of the Whole House on the state of the Union, and the question is on the motion of the gentleman from Iowa that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the Senate amendments thereto.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 151, noes 3.

Mr. WILLIAMS. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Mississippi makes the point of no quorum. The Chair will count. [After counting.] Two hundred and three gentlemen present—a quorum.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate amendments to the military appropriation bill, with Mr. BOUTELL in the chair.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

Page 2, line 3, strike out "fifteen" and insert "twenty."

Mr. HULL. Mr. Chairman, I move that the committee recommend that the House nonconcur in the amendment just reported.

The CHAIRMAN. The question is on the motion of the gen-

tleman from Iowa, that the committee recommend that the House nonconcur in the amendment just reported.

The question was taken; and the motion was agreed to.

Mr. HULL. Mr. Chairman, I will say to the committee that the unanimous vote of the Committee on Military Affairs was nonconcurrence in all the Senate amendments, and that a conference be asked for. I therefore ask unanimous consent that a motion to nonconcur in all the amendments en bloc be now entertained.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the remaining amendments may be considered in gross. Is there objection?

There was no objection.

Mr. HULL. Mr. Chairman, I now move that the committee recommend that all the amendments of the Senate to the Army appropriation bill be disagreed to, and that a conference be asked for.

The CHAIRMAN. The gentleman from Iowa moves that the committee recommend nonconcurrence in all the Senate amendments and ask for a conference.

The question was taken; and the motion was agreed to.

Mr. HULL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate amendments to the Army appropriation bill and had directed him to report the same back with the recommendation that the amendments be nonconcurrent in and a conference requested.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments as a whole.

Mr. HULL. I move the adoption of the report.

Mr. PRINCE. Mr. Speaker, there is one amendment to which I desire in some form or other to object.

The SPEAKER. The gentleman demands a separate vote upon what amendment?

Mr. PRINCE. I think it is number 27—at the proper time.

The SPEAKER. This is the proper time.

Mr. HULL. Does the gentleman desire to concur in the amendment?

Mr. PRINCE. I do not.

Mr. HULL. If he does, of course it is the proper time; but my understanding is, he desires to nonconcur in the amendment, and that is the recommendation of the Committee of the Whole on all of them.

Mr. PRINCE. I desire to nonconcur in this amendment and would like to have the House conferees instructed to insist on refusing to concur in amendment No. 27, which will give a cadet who serves in West Point an opportunity to retire with the rank, pay, and allowance of a major-general.

Mr. HULL. Mr. Speaker, I hope there will be no action by members of the committee to instruct the conferees before they have had a free conference. We have had that trouble once or twice and it seems to me like very bad policy to do so.

The SPEAKER. If the House should vote to nonconcur in any or all of the amendments, that is a matter with which the House would express its will. If the House should not concur, then, as the Chair understands, when the conferees are appointed, or just before they are appointed, the gentleman could offer any resolution that he saw proper touching the sense of the House as to any or all amendments.

Mr. PRINCE. Mr. Speaker, then I want to make the motion that the House instruct the conferees to nonconcur—

The SPEAKER. That is not in order just at this time. The question is on the motion that the House disagree to the Senate amendments.

The question was taken; and the motion was agreed to.

Mr. HULL. Mr. Speaker, I move that a conference be requested on the part of the House, and that the Chair appoint conferees.

The SPEAKER. The gentleman moves that the House ask for a conference with the Senate.

The question was taken; and the motion was agreed to.

Mr. PRINCE. Mr. Speaker, I do not desire to embarrass my colleagues on the committee in the conference in any way, but I am unalterably opposed, and I believe when the House hears the facts that the House will likewise be unalterably opposed, to concurring in amendment No. 27, offered by the other body. The amendment is this: "That officers who served creditably during the civil war and who now hold the rank of brigadier-general on the active list of the Army, having previously held that rank for two years or more, shall, when retired from active service,

have the rank and retired pay of major-general." Now, when we analyze this and bring it before the House it will show that captains, first lieutenants—

Mr. PAYNE. I think the amendment ought to be read, so the House will understand it.

Mr. PRINCE. I tried to read it—

The SPEAKER. Up to this time we are proceeding by unanimous consent, inasmuch as the gentleman from Illinois has made no motion.

Mr. PRINCE. Mr. Speaker, I move that the conferees be instructed to nonconcur in Senate amendment No. 27.

Mr. KEIFER. That has already been done.

Mr. HULL. I understand that we have nonconcurred in all of them.

The SPEAKER. We have nonconcurred in all of them. The Chair might suggest to the gentleman that he can probably reach what he desires to reach by resolution, if he wishes to test the sense of the House. That will register the opinion of the House that the conferees ought not to recede from the House disagreement to the amendment.

Mr. PRINCE. Mr. Speaker, I make that proper motion.

The SPEAKER. The Clerk will first report the amendment.

The Clerk read as follows:

(27) *Provided further*, That officers who served creditably during the civil war and who now hold the rank of brigadier-general on the active list of the Army, having previously held that rank for two years or more, shall, when retired from active service, have the rank and retired pay of major-general.

The SPEAKER. The Clerk will report the resolution offered by the gentleman from Illinois [Mr. PRINCE].

The Clerk read as follows:

*Resolved*, That it is the sense of the House of Representatives that the House conferees should not recede from the House disagreement to Senate amendment No. 27 to the bill (H. R. 14397) making appropriations for the support of the Army.

Mr. PRINCE. Mr. Speaker, the purpose of this amendment is to allow officers on the active list of the Army and holding the rank of brigadier-general, having previously held that rank for two years, who had service in the civil war, when they are retired from active service to be retired upon the rank and pay of major-general. The purpose is to retire with the rank of major-general men who have served in the civil war, and the credit for this rank is due to their service during the civil war. If that be true for civil-war service, we ought to put upon the retired list all of the splendid men who fought in the civil war and have been retired at a lower grade than that of major-general; not only those who are on the retired list of the Regular Army, but all of the men, officers and privates, who served in the civil war as volunteers and are to-day in civil life in this country.

Here is an instance of pure and simple personal legislation. The House did not pass it. It has come to us from another body, and it picks out six or seven men on whom to bestow the rank and distinction of major-general for service in the civil war. Now, what was their service in the civil war? One of them was a captain. He entered the service as a second lieutenant on September 16, 1861, and was honorably mustered out as a captain in 1865. Another entered the service as a private October 12, 1861, and was mustered out as a first lieutenant September 30, 1864; another as a private November 13, 1861, and mustered out as a captain July 17, 1865; another as a private and mustered out as a captain; another as a private and mustered out as a captain; two more as privates and mustered out as first lieutenants; another entered as a sergeant and was mustered out as a second lieutenant; another as a private and mustered out as a sergeant; another as a medical cadet of about one year's service, and he is to be made a major-general for that one year's service as a steward or a surgeon in a hospital. Another who was mustered out as a first lieutenant is to be made a major-general. And, not satisfied with that, Mr. Speaker, they have even gone so far, if this amendment becomes a law, as to take in a young man who entered West Point as a cadet in 1861 and graduated in 1865, and said that he shall become a major-general under this amendment, if the House approves of it.

Mr. SULZER. What is his name?

Mr. PRINCE. His name is Gen. George H. Burton, inspector-general; cadet in the Military Academy July 1, 1861; graduated from the Military Academy June 23, 1865; made a second lieutenant of that date.

If this amendment passes, gentlemen of the House, you take a cadet that entered West Point in 1861, that received his commission after the war closed, in 1865, and make him a major-general for services rendered during the civil war. Why do I say that? Because it has been held under the law that a cadet at West Point was in the line of the Army, was subject to military control and discipline; and if he entered the Military

Academy before peace was declared, he is a soldier in the line of the Army, and under the provision of this amendment he is made a major-general on the retired list.

Now, I am willing to go a long way toward placing men on the retired list, but I can not sit still in my seat and allow this kind of work in this House without informing the country.

Mr. SULZER. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. PRINCE. Certainly.

Mr. SULZER. Does not the gentleman think that it is inadvisable for the House to instruct the conferees, its own conferees, before they go into conference? Would it not be premature and tend to establish a faulty precedent?

Mr. PRINCE. If I felt sure in my own mind that the conferees will go and resist to the uttermost this amendment; if they will come back to this House before concurring in the amendment and permit us to instruct them later and stand by the instruction, I would be perfectly willing to withdraw it now, if it is inadvisable.

Mr. SULZER. Has the gentleman any reason to assume to the contrary?

Mr. PRINCE. I have so long been a Member of this House that I have found time and time again in the closing days this House takes a good many amendments and concurs in them when in its judgment, and the judgment of the people, they ought not to be accepted. My colleague has seen the same thing done.

Mr. SULZER. If, however, the conferees appointed by the House should take any action in the conference contrary to the views of the gentleman from Illinois, when the conference report comes before the House the gentleman can then move to disagree and instruct the conferees. Under the rules the gentleman's rights are amply protected, and that is the usual procedure under the rules of this House. It has been followed ever since I have been a Member.

Mr. PRINCE. There are two methods of procedure; the one I have adopted, and the one that you suggest.

Now, let me say to the House, and to the country as well, that from the day the first shot was fired at Lexington down to 1861 there was no such thing as a retired list. The men who followed Washington during all of that struggle were patriotic enough not to ask to be put upon the retired list.

The army of men that fought under Jackson, under Ripley and Scott and Brown, in the war of 1812 never asked to be put upon the retired list. Nor was there a retired list in this country for the men that fought and gave us the great country from Mexico. They were never put upon the retired list, nor was there any such retired list of the Army until the beginning of the struggle between the North and the South in the days from 1861 to 1865.

Now the retired list has got to be a place for men to be put to draw salaries. That is what it is for. It has ceased to be a haven of rest for honorable and distinguished battle-scarred old warriors. It has passed the purpose for which it was originated, and to-day we have one-fifth of the Army officers of the United States upon the retired list, drawing \$2,700,000, where their predecessors, moved by patriotic motives, never asked for a cent and were never placed upon the retired list of the Army of this country; and when 903 are on the retired list, one-fifth of the officers of the United States Army, it is time that we should put these men on the retired list under a law of the grade that they held at the time they were retired. And what is it? It is three-fourths pay. These men who hardly did anything during the struggle of 1861 to 1865 are now to be put on the retired list with a pension of \$5,625 a year, while the splendid men that fought in the volunteer service, many of them to-day are starving in their homes and receiving the pitiful pension of six and eight and ten and twelve dollars a month. [Loud applause.]

I call upon my colleagues to call a halt upon this kind of business. It is time for the country and those in authority to know that they should not put men upon the retired list in the absence of good and sufficient reasons and put the burden upon the people along these lines. [Applause.]

If you want to economize, here is a place for a little economy. Ever since I have had a seat on this floor I have been in opposition to this sort of a proposition. I would not detract in the slightest degree from the character of the Army of the United States, but I would like to see a bill passed through this House that would take it out of the anomalous condition that it is placed in to-day, where, in effect, a brigadier-general is giving command to major-generals, and giving command to a Lieutenant-General of the Army, when he is commanding a division somewhere in this country. That is an anomalous condition, that the Lieutenant-General is to receive orders from his subordinate, a brigadier-general. We no more need a Lieutenant-General than a cat needs two tails. [Laughter and applause.]

Now, if the chairman of the committee having this matter in charge, my colleague, for whom I have the greatest respect and confidence, says that this motion and the action of the House will embarrass him in standing by this in any way, I am willing, if the House permits, to withdraw it. If not, I ask for the sense of the House upon this question. I do not want to embarrass my colleague or any Member of this House in any way, shape, form, or manner.

Mr. HULL. Mr. Speaker, the gentleman from Illinois [Mr. PRINCE], my colleague on the Military Committee, has certainly sprung a surprise upon the committee by his motion. We knew something about the speech, but had no idea that it would come upon the floor until the time came to pass upon this question.

The gentleman from Illinois, in my judgment, had no right to assume that the conferees would agree to an amendment of this kind without first submitting it to the House of Representatives. It is a question that has been thrashed over here in other bills and in other ways until I think both he and the members of the committee largely realize that the House is impatient of this character of legislation, and as the gentleman knows I would have hesitated a long time before consenting to incorporate in the conference report a final agreement which would have deprived the House of the right to pass upon this measure. But if I had known that the gentleman proposed to engage in this kind of legislation, I would have hesitated about taking the time of the House to-day and interfering with the Committee on Naval Affairs. Ordinarily, the House of Representatives permits one conference without instructions. Ordinarily, when we ask for a free conference, we go to the Senate with all matters in dispute to be discussed by the conferees. It is a very rare thing that the House of Representatives in one breath asks for a free conference and in the next breath ties the hands of the conferees on any proposition. The House is never bound. I have known it to turn down conference report after conference report where a single item in the report was not satisfactory to the House. I have had that happen with me on the military bill so often that I am getting cautious about trying it when there is even a doubt about it. So that we could to-day pass a motion for a full and free conference, appoint our conferees, let them go forth and make their report to the House without any danger whatever of any snap judgment being taken upon the membership. Not only that, Mr. Speaker—

Mr. PRINCE. Does my colleague yield, just for a moment?

Mr. HULL. Oh, certainly.

Mr. PRINCE. Then I understand my colleague to say that before this matter is finally disposed of opportunity will be given—full, free, frank, and fair opportunity will be given—the House to determine its sense upon this question?

Mr. HULL. Well, Mr. Speaker, I said that as far as I was concerned that was my feeling. Now, I feel this way about it: Since this offer has been made here, why, we might just as well pass it as to get up on the floor of the House and say in advance what we are going to do in conference.

Mr. PRINCE. Very well.

Mr. HULL. But I do protest that in courtesy to the Committee on Military Affairs the able member of that committee from Illinois, who has always been conferred with, and whose advice is always sought after and gladly followed when possible, should have taken the members of the committee into his confidence this morning, and have let us know that he proposed to inject this kind of a discussion on the floor of the House.

Mr. KEIFER, Mr. SULZER, and Mr. PRINCE rose.

The SPEAKER. The gentleman from New York. The Chair will recognize the gentleman from Ohio a little later.

Mr. SULZER. Mr. Speaker, just a few words to say I trust the motion of the gentleman from Illinois will not prevail. As a member of the Committee on Military Affairs, I desire to say that, in my opinion, it would be inadvisable and unprecedented for the House now to instruct its conferees what to do when they go into conference. It would be practically like a judge telling a jury what to do before the jury hears the testimony. The House, it seems to me, can trust its own conferees. The House can rest assured that its conferees will do their duty, will carry out the will of the House; and if the conferees do not do that, then the House can disagree and instruct the conferees, or appoint new conferees who will carry out the wishes of the House. It seems to me that to do what the gentleman from Illinois requests is to prejudge the whole question and embarrass the conferees on the part of the House, and the chances are that it will preclude the accomplishment of just what the House wants.

The motion, I think, of the gentleman is entirely premature and uncalled for and unnecessary. I think it is a mistake. It

should be withdrawn. This is not the proper time to instruct the conferees. I think my colleague on the committee, the gentleman from Illinois, should withdraw his motion and let this be a free and full and open conference between the Senators and the Members of the House, and then if the conference report is not to the satisfaction of the gentleman he can move a nonconcurrency in the Senate amendment. That will then be the time for him to make a speech about the matter. That will then be the time for the House to determine the question on all the facts and on the merits. I trust that the gentleman from Illinois will not insist on his motion, but withdraw it, and give the conferees appointed by the House an opportunity to go into a free and fair conference without strings of instruction.

Mr. KEIFER. Mr. Speaker, I do not understand that the gentleman from Illinois withdraws his resolution. I think a wrong impression is given by some remarks he has made with reference to the Senate amendment No. 27 to this bill.

The gentleman says that it will provide for the retirement of cadets who served at the Military Academy from 1861 to 1865, or rather during the period of the civil war. I am not by any means certain that under any decision we have had the language of this amendment would be subject to any such construction. The amendment reads in part thus:

That officers who served creditably during the civil war and who now hold the rank of brigadier-general on the active list of the Army, having previously held that rank for two years or more, shall, when retired from active service, have the rank and retired pay of a major-general.

I think it is clearly meant by this language that they must have served in the Army, and regularly mustered in, other than being mere cadets at the academy.

Mr. HULL. It does not take in any cadets at all.

Mr. KEIFER. That is the claim, and I presume it does not; and, Mr. Speaker, if the gentleman from Illinois is right, this conference committee can take that into account, if they should accede to the substance of the Senate amendment and make it explicit that it does not mean that those who served solely as cadets during the civil war. So much for that. That is a matter that ought to be provided for by the use of proper language, which the conferees can put in if it is a good objection.

The gentleman seems to ignore the fact that an officer would be retired under this clause if he served not only in the civil war, but who would have had two years of active service in the United States Army as a brigadier-general. The officers are not mere accidents that come to be brigadier-generals a few days or weeks or months before their retirement, but they must be officers of this rank who have had two full years on the active list of the United States Army before enforced retirement. No officer is retired absolutely until he is 64 years of age, and then it is not his fault that he is retired at all. It is the fault of the law of the United States, which prohibits his service on the active list a single day after he is 64 years of age. This first became the law, as I recollect, in 1882.

But the eloquent gentleman from Illinois appeals to the House and says that those who served under Washington in the Revolution, those who served in the war of 1812, and those who served in the Mexican war (1846-1848) did not ask to go on the retired list. No, Mr. Speaker, they did not ask to go on the retired list, because they never could get there, and of course they never went there. They served in the Army, in the regular line, to the day of their death, no matter how old they were, and drew full pay. [Applause.] That was the condition exactly. That great old soldier Winfield Scott was about 80 years of age in 1861 and in the civil war, and he was then on the active list drawing full pay. General Scott was born June 13, 1786. There was then no time fixed by law for enforced retirement by reason of age. Congress is responsible for such rule of law. So much for that point.

I think the eminent officers who served in the period of the civil war creditably and who have served their country faithfully forty years or more, meeting all the exigencies of the service, and have had two full years of active service with the high rank of brigadier-general, might well be retired as major-generals for the few remaining years of their life. I am in favor of the principle of this amendment. [Applause.]

Mr. GROSVENOR. Mr. Speaker, I want to call the attention of the House to a criticism made by the gentleman from Illinois [Mr. PRINCE] about the present condition of the Army in the United States. Congress very recently passed this system of military organization, and it was done after a great deal of consideration and study. The outline of it was furnished from the War Department and it was acted upon in both Houses and became the law of the land, and it is unfortunate that anyone in the House of Representatives should attempt to teach the people that there is an anomalous and absurd condition growing out of that statute.

The gentleman referred to the fact that a brigadier-general issues orders to a lieutenant-general and to major-generals. But the gentleman omits to state that under the system it is the President of the United States who issues the order. He, as the Commander in Chief, issues his orders through the Chief of Staff by virtue of the statute, and the Chief of Staff by direction of the President issues the order to the superior officers, as stated by the gentleman from Illinois. That same thing happens in all military organizations.

The adjutant of a regiment issues orders to the captains and to the majors and to the lieutenant-colonels. So there is nothing anomalous about it. It is done in every civilized country in the world and it is a part of our military system in the United States which came out of the long consideration and study which the War Department and both Houses of Congress gave to the construction of that statute. [Applause.]

Mr. PARKER. Mr. Speaker, it is much to be regretted that this question should come up before the House at this time and in exactly this way. It is to be regretted because there may be many Members of the House who are in favor of rejecting the Senate amendment, but who are not in favor of embarrassing the committee by placing them under instructions before they go into a full and free conference. The gentleman from Illinois [Mr. PRINCE], who offers the resolution, will not get the full sentiment of the House which may exist against this amendment of the Senate, because a great many Members would vote against this motion simply because it is untimely, and we are likely to get a false impression of the real opinion of the House by voting upon the resolution at this time. Under the circumstances, I appeal to the gentleman to withdraw his resolution, and if the gentleman is not willing to do that, then, I think, the only way to bring the matter to a real decision is to move, as I shall, to lay the resolution upon the table. I shall, however, withhold that motion for the present.

Mr. PRINCE. Mr. Speaker, in the military laws of the United States, on page 318, in a footnote, I find the following:

Before the passing of the act of July 8, 1866, as well as afterwards, the corps of cadets of the Military Academy was a part of the Army of the United States, and a person serving as a cadet was serving in the Army, and the time during which a person has served as a cadet was therefore actual time of service by him in the line of the Army. (Morton v. United States, 112 U. S.)

So there can be no question upon that point, that if this amendment be passed in the shape it is and becomes a law, a cadet at West Point during the war from 1861 to 1865, if he happens to hold a position here in Washington in some of the staff departments as a brigadier-general, by virtue of that becomes a major-general on the retired list. My good friend the honorable gentleman from Ohio [Mr. KEIFER] says they must have had active service for two years or more and have held the rank of brigadier-general. Most of these men who will avail themselves of this law have had active service in the departments here in Washington.

Mr. SULZER. And do they not work pretty hard?

Mr. PRINCE. Work hard, yes; but so do a thousand other men work hard in the clerical departments of this Government who do not receive the pay that these men do. That is no fault of theirs. They are detailed there. If this amendment said "active duty with troops in the field" it would be far different; but it is here in the departments, and it is so worded that it largely affects men here in the departments. It is another evidence of the fact that if you want legislation you must be assigned to duty at Washington, and then you have an opportunity to see to it in such a way that you will get on the retired list; but the poor fellows out on the fighting line, the men that have been retired for wounds received in the line of duty, for sickness, such as second lieutenants, captains, majors, lieutenant-colonels, and colonels, who fought in a thousand engagements from 1861 to 1865, are not considered by this class of legislation.

Now, as to the reflection of the gentleman from Ohio [Mr. GROSVENOR] on the question of the Commander in Chief, I have this to say: Our Commander in Chief, the President of the United States, is an extremely busy man, as we have heard from some of the "hit dogs that yelp," as the expression is, judging from some of the answers they have made to him in which they say that he is looking after all matters from the regulation of the family up to criticising the judges of the United States courts. Now, he is very busy doing his duty under his oath—a splendid executive officer. He can not possibly know of these various orders. Under him is the Secretary of War, who is busy with the Panama Canal, with the Philippine affairs, and with the great affairs of this country. Resolve it right down, and what have you? A brigadier-general as Chief of Staff, giving orders to major-generals and to the Lieutenant-General of the Army. I make no reflection upon the Army. It is a splendid Army, made up of splendid men and well officered, but what I

said stands out yet as a truth—that from the firing of the first shot at Lexington down to the firing of the first shot at Fort Sumter there was no retired list in the Army of this country. The splendid men who have gone before were not here, as men now are, seeking to be put upon the retired list, not for the glory of it, but for the pay of it, and we have sixty-four brigadier-generals to-day on the retired list who served but one day as brigadier-generals. What a condition it presents to our country! I am opposed to it, but if the gentleman thinks it will embarrass the committee in any way, then I shall content myself with the knowledge that I have sounded the note of warning. I have been assured by gentlemen, my colleagues on the committee, that they will give the House an opportunity to be heard at the proper time.

Now, as to the criticism of my colleague. I gave notice in the committee that on the floor of the House I would object to this amendment, that I would resist it to the end; and I shall do it, if I am permitted, on the floor of the House, and if my people in my district approve of it, I shall come back, and if they are opposed to my doing this I shall stay at home; but I want the entire country to know how we are legislating here, passing personal legislation for six or seven men, to make of them major-generals for services—good, it is true, but not within a thousand points as good as that of 10,000 men who are to-day drawing a pension of \$6 or \$8 or \$10 a month.

Mr. Speaker, with the consent of the House, I will withdraw the resolution. [Applause.]

The SPEAKER pro tempore (Mr. LITTLEFIELD). The gentleman from Illinois withdraws his motion, and if there be no objection, the Speaker pro tempore will appoint the following conferees.

The Clerk read as follows:

Mr. HULL of Iowa, Mr. CAPRON of Rhode Island, and Mr. SULZER of New York.

The SPEAKER pro tempore. The Chair hears no objection, and it is so ordered.

#### NAVAL APPROPRIATION BILL.

On motion of Mr. FOSS, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18750—the naval appropriation bill—Mr. CRUMPACKER in the chair.

Mr. WOOD of Missouri. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, on page 3, beginning at line 21, the following: "Provided, That hereafter, in cases where orders for travel are given to officers of the Navy or the Marine Corps, the Secretary of the Navy, in his discretion, may direct that either mileage or else their actual and necessary expenses only shall be allowed," and insert in lieu thereof the following: "Provided, That hereafter, in cases where orders for travel are given to officers of the Navy or Marine Corps, no mileage shall be allowed, but that such officers shall be paid their actual and necessary expenses."

Mr. FOSS. Mr. Chairman, I make the point of order against that. We have passed that section already.

Mr. WOOD of Missouri. I ask unanimous consent—

Mr. FOSS. But I will reserve the point of order if the gentleman desires to say something.

Mr. WOOD of Missouri. I will state now if the gentleman makes the point of order against that amendment, then I shall make the point of order against the three lines.

Mr. Chairman, the paragraph which I have moved to strike out, on the bottom of page 3, certainly might give rise to favoritism. Why should one officer be allowed mileage and another officer his "actual and necessary traveling expenses only?" As everybody knows, the mileage that is allowed under the present law is very much greater than the actual and necessary traveling expenses.

Certainly there should be no favoritism as between officers of the Navy. If one officer is entitled to mileage when traveling under orders, then all officers ought to be allowed mileage. One of the first principles of the Army and Navy is that all the officers are accorded equal privileges. No officer because he may have some special political "pull" or be a favorite of the Department, or have some friend in power, should be allowed, for any of those reasons, to have favors over and above other officers who may not be so fortunately situated. The provision in the bill at the bottom of page 3 lets down the bars and gives an unlimited opportunity for special privilege to some of the officers.

As everybody knows, the Secretary of the Navy does not give his personal attention to such small matters as this. There will be hundreds of officers who will travel. Their accounts are not settled by the Secretary of the Navy himself, but rather by some clerk specially designated for that purpose. Now, that clerk, whoever he may be, by this provision is given a whip which he

may hold over all of the officers of the Navy. The discretion which is given by this paragraph to the Secretary of the Navy will, as a matter of fact, be exercised entirely, completely, and in every instance by some clerk in the Department, and will not be exercised in any case by the Secretary of the Navy himself.

Now, suppose that a certain officer of the Navy must travel under orders. Of course he will want to be allowed Government mileage rather than his actual expenses; that will be natural because his mileage as allowed by law is much greater than his actual expenses. He must then go to this clerk and humbly bow and say, "Mr. Clerk, please allow me to have mileage instead of my actual expenses." And all the officers of the Navy will have to do the same.

It is easy to see that this clerk will be placed in a position where, if he sees fit, he may exercise a petty tyranny over these officers. He will be in the position of handing out to them favors, if he sees fit, and if he does not see fit, to withhold these favors. Every officer to whom he allows mileage instead of actual expenses will certainly be under obligations to him just as much as if he had presented him with so much money, and our experience with mankind leads us to believe that most of the clerks will want favors from the officers in return.

There is a "little joker" in those three or four lines that might be passed over unless examined with care.

Certainly that clause giving the discretion is unnecessary and improper. The discretion would only be exercised against some officer who did not stand in the good graces of the clerk holding this discretionary power. And besides, why should the discretion be exercised? Where would the line be drawn, and why should there be a rule for one that does not apply to all? Sauce for the goose should be sauce for the gander in this case. If an officer is traveling under orders, he should be allowed exactly what other officers get, and some of them should not be allowed more than others.

But, Mr. Chairman, my idea is that this mileage should be done away with entirely. Why should a mileage be allowed? Why not pay the actual expenses and stop there?

The officers of our Navy are well paid; better paid, Mr. Chairman, than the officers of any other navy in the world. They occupy an easy, enviable position with comparatively little to do.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. WOOD of Missouri. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may proceed for five minutes more. Is there objection?

There was no objection.

Mr. WOOD of Missouri. If their pay is not sufficient, then let us raise it.

Mr. Chairman, there is scarcely an officer in the Navy who is not glad of the opportunity of traveling at the Government's expense. His pay for his time goes on just the same, and when he is allowed to see the world, or to travel, at the Government's expense, he is certainly glad to do so, as anybody else would be; and he certainly ought to be satisfied at having his actual expenses paid. Now, since he would be glad of the opportunity of traveling and having his expenses paid by the Government, why should a bonus in addition thereto be given? Officers who are fortunate enough to be detailed to travel under orders and have their expenses paid should not, in addition thereto, be given an extra sum.

A great deal of abuse has grown out of this mileage business. We find officers riding on passes and not only getting their expenses, but mileage in addition. It runs into a large sum of money, which ought to be curtailed.

As an illustration of the abuse of this system, we find Gen. Leonard Wood, who recently went from the Philippine Islands for his health to the city of Boston to get special surgical advice and assistance, attempting to charge the Government of the United States mileage clear around the world, as he went from the Philippine Islands via one route and went back around the world on the other side. Thirty-six hundred dollars he charged, although I am informed that he rode a large part of the distance free on a Government ship, while all that time he was drawing a large salary from the Government, although he was not going on official business, as far as my information goes, but simply for medical treatment for himself. Now, what the necessity of his going to Boston for medical treatment was I do not know. I am informed that the hospitals and physicians of the city of Manila are among the best in the world. Of this sum of \$3,600 charged, I am informed that \$1,100 was allowed, and that sum, as we all know, is a much larger sum than "actual traveling expenses" from the Philippine Islands.

Mr. Chairman, this is only one instance. There is no end to

the graft that has been perpetrated on the Government by officers traveling under this mileage system. We have been told of many instances where officers in traveling between two points went long distances out of their route and charged the Government mileage for the same—very much as Gen. Leonard Wood did when he traveled around the world.

Mr. Chairman, we have heard a great deal at this session about economy. We have seen attempts made to curtail in this direction and in that, and now here is a splendid opportunity for economy. Here is a chance, Mr. Chairman, where we can not only exercise economy, but where we can put a stop to a large amount of graft that has been going on year after year.

I offer the amendment, Mr. Chairman. [Applause on the Democratic side.]

Mr. FOSS. Mr. Chairman, I insist upon my point of order; first, that the section has been passed, and, second, that it changes existing law.

The CHAIRMAN. Let the Chair understand the gentleman from Illinois. The amendment is a substitute for the proviso contained in the paragraph. The proviso itself appears to be new legislation. I will ask the gentleman from Illinois if that is true?

Mr. FOSS. It is.

Mr. WOOD of Missouri. Mr. Chairman—

The CHAIRMAN. That being the case, the only question in relation to this amendment would be, Is it germane? Because the rule is, where a bill contains new legislation and no objection is made to it, it may be amended by anything that is germane to the subject contained in the paragraph. The Chair is of the opinion that this amendment is in order, because it is germane to the proviso.

Mr. FOSS. What does the Chair say to my first point of order, that we had passed the section?

The CHAIRMAN. The section had not been passed. The committee rose on the previous day immediately after the paragraph was read, and a paragraph is not passed for purposes of amendment until the reading of the next one is entered upon. So the Chair overrules the point of order.

Mr. FOSS. Mr. Chairman, I have only a word to say, and that is, I trust that this amendment will be voted down. The provision which is inserted in this bill was a provision that was recommended by the Secretary of the Navy and received the unanimous support of the Committee on Naval Affairs, both on that side of the House and upon this. I would call for a vote.

Mr. RIXEY. Mr. Chairman, I would like to be heard just for a moment on this amendment. I move to strike out the last word.

Mr. Chairman, as I understand it, the old law provided for mileage to the officer, and the amendment provides, in the discretion of the Secretary, he may have his actual expenses. The reason for the amendment grew out of some cases in which the officer had not been paid his actual expenses. One of these officers was a constituent of mine. He was detailed for recruiting duty, and his service was in several cities in the West, very close to each other. The mileage practically amounted to nothing to this officer on this recruiting duty. He had to stay for a considerable length of time in the cities in the discharge of his duty, the result being that his hotel bills and other proper expenses were more than the sum of his mileage. There can be no question, therefore, to my mind, but that it is justice to the officer himself that the Secretary of the Navy shall have the discretion, where the mileage does not pay the actual expenses, to allow these actual expenses in place of mileage. The officer is there on special duty; the mileage does not pay his actual expenses; and this amendment simply authorizes the Secretary, in a proper case, to allow the actual expenses in place of the mileage. I believe under ordinary circumstances the mileage system is probably the best, as it saves a great deal of trouble at the Department, but I know, as stated, of one instance where the actual expenses exceeded the mileage by two or three hundred dollars in two or three months' services.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WOOD of Missouri. Division!

The committee divided; and there were—ayes 14, noes 45.

So the amendment was rejected.

Mr. WOOD of Missouri. Mr. Chairman, I make the point of order against the section beginning with line 21, that it is new legislation.

Mr. FOSS. The point of order comes too late.

The CHAIRMAN. It comes too late.

Mr. FITZGERALD. Mr. Chairman, some statements made during the debate on this bill impel me to discuss the relative

cost of building naval vessels in navy-yards and in private establishments, as shown by the reports regarding the *Connecticut* and the *Louisiana*.

During the Fifty-sixth Congress I urged the initiation of the policy of utilizing the navy-yards for construction purposes. The agitation then began continued until in the act making appropriations for the naval service, approved July 1, 1902, the Secretary of the Navy was directed to build one of the battle ships authorized in that act in such navy-yard as he designated.

Two battle ships were authorized in that act, since named *Connecticut* and *Louisiana*. They were to carry the heaviest armor of their class upon a trial displacement of not more than 16,000 tons, and to have the highest practical speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$4,212,000 each. The navy-yard at Brooklyn, N. Y., was designated by the Secretary of the Navy as the place for the construction of the vessel to be built at a navy-yard.

In order that Congress might know definitely the cost of construction at navy-yards and by contract the act contained the following provision:

The Secretary of the Navy is hereby instructed to keep an accurate account of the cost of inspection and construction of vessels provided for in this act, whether built in Government yards or by contract, and report thereon to Congress, at each session, the progress of the work and cost thereof, including the inspection of all material going into the construction of said vessels, and, upon the completion thereof, to report a full and detailed statement showing the relative cost of inspection and construction in Government yards and by contract.

The Navy Department selected September 30 of each year as the date upon which the accounts of the two vessels should be made up for transmission thereafter as speedily as possible to Congress.

#### HOW ACCOUNT OF COST MADE UP.

The scheme adopted for making up the cost accounts, as stated by the Secretary of the Navy in a communication addressed to the Speaker of the House, under date of December 29, 1902, and found in House Document No. 235, Fifty-seventh Congress, second session, was intended to include the pay and allowances of all officers of the Navy as well as all employees exclusively employed upon the inspection or construction of these vessels, and also a portion of the pay and allowances of all officers employed at the shipyards and navy-yards or on inspection duties, a portion of whose time is given to these vessels, among others, under construction.

In making up the cost of the *Connecticut*, the vessel being built in the navy-yard, part of the maintenance charges of the yard are charged to the cost of the *Connecticut*.

As the Secretary of the Navy said in the document just mentioned:

In making up the final cost of the *Connecticut*, building in the navy-yard, New York, the Department intends to include a proper charge for the use of the existing facilities of Government property in the way of building slip, buildings, machinery, wharves, dry docks, etc., which are unquestionably a portion of the actual cost of production, and as similar charges undoubtedly enter, in some measure, into the cost of contract-built vessels.

As a matter of fact, these charges would be incurred regardless of whether the facilities of the yard were utilized for construction purposes.

#### LOUISIANA CONTRACT.

The contract for the construction of the *Louisiana* was made with the Newport News Shipbuilding and Dry Dock Company, at the stipulated price of \$3,990,000. The contract is dated October 15, 1902, and the contract period of construction is forty-one months.

The building of these sister ships, one by contract, the other in a Government yard, has been regarded as a test of the merits of the two systems, and has been keenly followed by everybody interested in naval shipbuilding.

The Newport News company had considerable advantage at the outset. It had built battle ships prior to its contract for the *Louisiana*. It had a well-equipped plant and all the facilities required for such work, while the navy-yard selected had not constructed a vessel of any kind in about fifteen years and was not fully equipped for the test. This necessitated the installation of equipment, which took time, that was utilized by the Newport News company in actual work on the *Louisiana*.

#### ADVANTAGES CLAIMED FOR CONSTRUCTION AT NAVY-YARDS.

It may be well to recall at this time the advantages claimed at the time the building of a battle ship at a navy-yard was authorized by those who favored the policy.

It was urged that the Government would thus have a check upon the contractor and be able to prevent extortionate charges; that a trained force of mechanics would be assembled, competent to undertake any work the Government desired done; that the navy-yards would be equipped so as to enable work of any character to be done therein, so that in the time of emergency the Government would not be at the mercy of private concerns;

that a basis of comparison would be established whereby the Government could ascertain whether the work of the contractors was up to the desired standard, and that by the continued employment, assured by a certain amount of work always at hand, the skilled force of mechanics and the organization of the yard could be easily and economically maintained.

These reasons are repeated at this time since those who opposed the policy at the beginning are attempting to disparage the work on the *Connecticut* by emphatic declarations that the cost of the navy-yard work is greatly in excess of the work done by contract.

#### RESULT OF POLICY THUS FAR KNOWN.

What has resulted from the initiation of this policy? Has any excess of cost, if any, of the building in a navy-yard been offset by other advantages? Handicapped as it was at the outset, yet the navy-yard has set such a rapid pace that the result has been the fastest construction known in the history of naval shipbuilding in this country. I call attention to the following statement taken from the report of the Hon. Victor H. Metcalf, Secretary of the Department of Commerce and Labor, in response to a resolution of the Committee on Labor of the House of Representatives, April 13, 1904, from which it appears that in elapsed time the work of the Newport News Company on the *Louisiana*, with far greater displacement, surpasses that of all others, with the *Connecticut* only two days behind. To be more specific, the keel of the *Louisiana* was laid February 7, 1903, and the ship was launched August 27, 1904. Five hundred and sixty-eight days elapsed from the laying of the keel to the date of launching. The keel of the *Connecticut* was laid March 10, 1903, and the launching was September 29, 1904, a period of five hundred and seventy days intervening. The displacement of these two vessels is 16,000 tons each. When the *Louisiana* was launched 54.5 per cent of its hull work had been completed; the *Connecticut*, 53.59 per cent.

The significance of these figures rests in the fact that the elapsed time between the days on which the keels were laid and the vessels launched was shorter than the time between similar dates in the construction of fifteen other first-class battle ships, although all of the fifteen were vessels of lesser displacement. But one first-class battle ship has been launched in quicker time; that was the *Alabama*, a vessel of 11,565 tons displacement, as compared with the 16,000 tons of the *Connecticut* and *Louisiana*. The time elapsing between the laying of the keel of the *Alabama* and its launching was five hundred and thirty-three days—almost as long as the *Louisiana*—and yet the *Alabama* was not completed until twelve months and twenty-seven days beyond the time fixed in the contract.

Days of elapsed time from laying of keel to launching in building of first-class battle ships.

First-class battle ship.	Date of laying of keel.	Date of launching.	Elapsed time, days.	Displacement.
				Tons.
Oregon.....	Nov. 19, 1891	Oct. 26, 1893	706	10,242
Indiana.....	May 7, 1891	Feb. 28, 1893	662	10,288
Massachusetts.....	June 25, 1891	June 10, 1893	715	10,288
Iowa.....	Aug. 5, 1893	Mar. 28, 1896	965	11,340
Wisconsin.....	Feb. 8, 1897	Nov. 28, 1898	654	11,564
Kearsarge.....	June 30, 1896	Mar. 24, 1898	632	11,540
Kentucky.....	do.....	do.....	632	11,540
Alabama.....	Dec. 1, 1896	May 18, 1898	533	11,565
Illinois.....	Feb. 10, 1897	Oct. 4, 1898	600	11,565
Missouri.....	Feb. 7, 1900	Dec. 28, 1901	688	12,240
Maine.....	Feb. 15, 1899	July 27, 1901	891	12,300
Ohio.....	Apr. 22, 1899	May 18, 1901	755	12,508
Rhode Island.....	May 1, 1902	May 17, 1904	746	14,932
New Jersey.....	Apr. 2, 1902	Nov. 10, 1904	951	14,948
Georgia.....	Aug. 31, 1901	Oct. 11, 1904	1,135	14,948
Virginia.....	May 21, 1902	Apr. 5, 1904	684	14,948
Louisiana.....	Feb. 7, 1903	Aug. 27, 1904	568	16,000
Connecticut.....	Mar. 10, 1903	Sept. 29, 1904	570	16,000

\* The *Alabama* was launched in 533 days, but her tonnage was 11,565 as against the 16,000 tons of the *Louisiana* and *Connecticut*.

NAVY-YARD DEMONSTRATES THAT SHIPS CAN BE BUILT WITHIN CONTRACT TIME.

Thus the first notable result of navy-yard construction is the demonstration that naval vessels can be constructed within the time fixed in the contracts if the Government work be not subordinated to other work. My colleague [Mr. CALDER] has submitted a list of sixty-eight naval vessels constructed by contract which were delayed beyond the contract time from one to thirty-nine months. He also submitted a list of twelve battle ships now under construction in private yards, eight of which will not be completed within the time fixed by the contracts, and four of which, it is estimated, will be completed within the contract period. If the past be a fair criterion, however, of what the future will bring forth, it is a safe hazard that

none of these vessels will be finished within the time fixed in the contracts.

CONNECTICUT NOT FINISHED WITHIN TIME LIMIT BECAUSE OF DELAYED DELIVERIES OF ARMOR.

The vessels to which I have referred by no means exhausted the list of those delayed beyond the time fixed for their completion. Indeed, with the exception of a few small boats, no vessel for the Navy has ever been completed within the time allotted.

It is true that it is estimated that the *Connecticut* will be delayed about four months beyond the time fixed for completion, but that can not be charged to the navy-yard, the employees, or the officers in charge of the work. It is due entirely to the failure of the armor-plate manufacturers to supply the armor required as speedily as it should have been furnished. This assertion is sustained by the responses made by the Navy Department to two resolutions of inquiry introduced by me, one on January 31, 1905, in the third session of the Fifty-eighth Congress, and one on January 15, 1906, the present session of the Fifty-ninth Congress.

The Chief Constructor of the Navy, in his report for the last fiscal year (see p. 538, Annual Reports of the Navy Department for 1905), says:

Work on the U. S. S. *Connecticut* is progressing very satisfactorily, and but for delays in the delivery of armor it is more than probable that this vessel would have been completed within the contract time, in which case it would have been the first battle ship to have been completed within the contract time of completion since the reconstruction of the Navy began, in 1883.

To place where it may be available to all interested in this question, I shall read from the letter of the Chief Constructor, dated February 8, 1906, transmitted to the House by the Secretary of the Navy in response to the latest resolution of inquiry which I introduced on this subject. The complete response is found in House Document No. 510, first session Fifty-ninth Congress, of which the following are extracts:

\* \* \* The first actual delivery of armor for the *Connecticut* was January 9, 1904, and for the *Louisiana*, October 16, 1903. On May 27, 1904, this Bureau was informed by the naval constructor at the navy-yard, New York, that the Carnegie Steel Company had informed him by letter that they were unable to state, even within a reasonable time, as to when the armor for the *Connecticut* might be expected, and the naval constructor stated that the condition of the work on the *Connecticut* was such as to render it liable to be delayed unless the armor was delivered at or near the dates mentioned.

This information was furnished the Bureau of Ordnance.

Referring to item (a), it is noted that the 8-inch barbettes and tubes were delivered for the *Connecticut* between November 23, 1904, and February 8, 1905, and for the *Louisiana* between November 11, 1903, and September 10, 1904. The 12-inch barrette lower plates were delivered for the *Connecticut* in August, 1904, and October, 1904, and for the *Louisiana* during October, 1903.

Referring to item (b), conning-tower tubes for the *Connecticut* were delivered in July, 1904, and for the *Louisiana* during the same month. The 12-inch barrette upper plates were delivered for the *Connecticut* December, 1904, and January, 1905, and for the *Louisiana* during October, 1903.

Referring to item (c), the side-belt armor for the *Connecticut* was delivered between February, 1905, and September, 1905, and for the *Louisiana* between March, 1904, and September, 1904.

Referring to item (d), the lower casemate armor for the *Connecticut* was delivered during March, 1905, and for the *Louisiana* during May, 1904.

Referring to item (e), upper-casemate armor, 8-inch barbettes, and 12-inch and 8-inch turret armor for the *Connecticut* was delivered between February, 1905, and the present date, a considerable part of the turret armor not yet being received, and for the *Louisiana* between November, 1903, and the present date, practically all of which has been received.

In September, 1904, the naval constructor invited particular attention to the absolute necessity for early delivery of the armor and stated that a recent inspection of the *Louisiana* indicated that all her 8-inch and 12-inch lower barbettes, conning tower, and a considerable amount of belt armor had been received, and by way of comparison stated that none of the above had been received for the *Connecticut*. A table was inclosed with this letter indicating the comparative condition of armor installation and receipt. This letter was referred to the Bureau of Ordnance September 14, 1904.

On October 7 the naval constructor invited attention to the fact that the *Connecticut* was launched with considerably less armor than the *Louisiana*, owing to its not being in the yard, and urged the necessity of the early delivery of the *Connecticut's* armor. This letter was referred to the Bureau of Ordnance with request that it expedite the delivery of the armor, so that the delivery should be equal in character and quantity for the *Connecticut* and *Louisiana*.

The naval constructor on August 29, 1905, commented on the work in the turrets and stated that unless the turret armor was delivered before the middle of next winter—i. e., about January, 1906—the final completion of the vessel would be delayed. This letter was referred to the Bureau of Ordnance, and it stated that the Bethlehem Steel Company had been instructed to give no preference in the matter of delivery of the turrets of the *Louisiana* and *Connecticut*. However, the *Louisiana's* turrets were delivered between November, 1905, and the present date, and the *Connecticut's* are practically undelivered at the present time.

The naval constructor, on December 26, 1905, called attention to the nondelivery of the turret armor, which letter was referred to the Bureau of Ordnance and returned, stating that the *Connecticut's* turret armor would be delivered before the end of February, 1906.

The monthly progress reports of the *Connecticut* for September, 1904, stated the nondelivery of armor as a cause for delay in the completion of the vessel. This was referred to the Bureau of Ordnance, and that Bureau stated that it had exhausted all practicable means to hasten the delivery of the armor for this vessel without very seriously interfering with the delivery of armor urgently needed for other vessels.

It may be noted in this connection that all armor plans were completed for *Louisiana* and sent to the Bureau of Ordnance in June, 1903, and *Connecticut* in July of the same year.

No one can read these extracts without realizing the tremendous handicap the navy-yard has been under in the contest with the contractor, and it is emphasized from this additional extract from the same report:

1. The ship contractors, on August 25, 1905, stated that the turret work was being delayed by the nonreceipt of armor for this vessel. This letter was referred to the Bureau of Ordnance, and the armor has since been delivered, between October 20 and the present date.

2. In the progress report for this vessel up to November, 1905, no delay was attributed to the nondelivery of armor. The ship contractors, however, in their letter referred to above, made claim for delay, owing to nondelivery of turret armor. There is no other record of delay claimed by the contractor for the *Louisiana* or attributed by the superintending constructor to nondelivery of armor.

Neither the *Connecticut* nor the *Louisiana* is yet completed, but it is expected that they will be shortly.

VIRGINIA, JUST COMPLETED BY NEWPORT NEWS COMPANY, TWO YEARS OVERDUE.

At this point let me call attention to the fact, so well stated the other day by the gentleman from California [Mr. KNOWLAND], that the *Virginia*, a first-class battle ship built by the same company that is building the *Louisiana*, only turned over to the Government within the past few weeks, was more than two years behind the time fixed for completion. For more than two years the Government has had invested in the neighborhood of \$3,000,000 unable to derive benefit therefrom. At the rate paid by the Government for money—2 per cent—this means, in effect, that the *Virginia* has practically cost the Government \$120,000 in interest which will never be counted in its cost.

Of course penalties are fixed in the contract for such delays. If I recall correctly, \$300 a day for the first six months that the vessel is delayed beyond the contract time and \$600 a day thereafter. But such penalty clauses do not promise much, since they have never been enforced.

#### INCREASE IN LIMIT OF COST FOR CONNECTICUT.

The Naval Committee recommends that the limit of cost of the *Connecticut* be increased from \$4,212,000 to \$4,600,000. This recommendation is based upon the request of the Chief Constructor. The chairman of the committee [Mr. Foss] admitted in reply to an inquiry made by me that the committee had not obtained a detailed statement as to the necessity for this increase. As I have been unable to obtain a copy of the testimony of the Chief Constructor I am unable to state upon what his request is based.

I am informed, however, that it is not claimed that the entire \$4,600,000 will be required to complete the *Connecticut*, but that such a sum will be ample beyond all question. So that the hull and machinery of the *Connecticut* will be completed within the sum of \$4,600,000, which includes, as I have already pointed out, charges for the use of the facilities of the navy-yard, including the building slip, buildings, machinery, wharves, dry docks, etc. In other words, part of the maintenance charges of the navy-yard are charged to the cost of the *Connecticut*.

#### COST OF LOUISIANA STILL UNCERTAIN.

But what of the cost of the *Louisiana*? Until it is completed the cost can not be definitely ascertained. The contract price is \$3,990,000. Under date of February 19, 1906, in response to a resolution of inquiry which I introduced in this House, the Secretary of the Navy reported that certain modifications and alterations in the plans of the *Louisiana* cost \$132,986, while similar work on the *Connecticut* cost \$112,009; and this difference is further emphasized from the fact that certain additional work required on the *Connecticut* and not on the *Louisiana* added \$4,791 to the cost of the *Connecticut* and saved \$6,800 on the *Louisiana*.

Taking the contract price of the *Louisiana*, \$3,990,000, and the cost of alterations made up to February 9, 1906, the date to which they were estimated, to wit, \$132,986, the cost of the *Louisiana* is brought up to \$4,122,986.

#### NEWPORT NEWS COMPANY RELEASED FROM CERTAIN WORK.

More than that, I desire to call specific attention to the fact that in response to a resolution introduced by me on January 15, 1906, it appears that the Navy Department has released the Newport News Shipbuilding Company, under certain contingencies, from the obligation of doing certain work required by the contract. So that there may be no questions raised as to the accuracy of this statement, I shall read from the report of the Chief Constructor, dated February 8, 1906, transmitted by

the Secretary of the Navy to the House on February 12, 1906, and found in House Document No. 510, first session Fifty-ninth Congress:

On November 21, 1905, the contractors called attention to the nondelivery of the 12-inch guns. The Bureau of Ordnance stated in reply that the gun factory had been directed to expedite the delivery. On January 5, 1906, the contractors called attention to the nondelivery of turret-elevating motors for 12-inch and 8-inch turrets. Upon reference to the Department via the Bureau of Ordnance the Department approved the recommendation of this Bureau that the contractors be not required to install the above if not delivered at the contractors' works prior to the expiration of the contract period, provided the vessel is otherwise completed under the terms of the contract.

In their letter of December 28, 1905, the contractors submitted formal claim for extension of the contract time, due to nondelivery of 12-inch guns, the Bureau of Ordnance having stated that the last pair of these guns would not be ready for proof before February or March, 1906. This Bureau therefore recommended to the Department that the contractors be not required to install these guns provided the ship was otherwise completed on the expiration of the contract time, which recommendation was approved.

It also appears from the foregoing that the Government has taken suitable steps to prevent such delays on the *Louisiana* operating to the detriment of the contractors, the Government in this instance releasing the contractor from such work of installation of armament and accessories as would otherwise delay the delivery of the vessel after completion of all other work required by the terms of the contract.

Until this ship is delivered to the Government, and it is definitely ascertained whether the Government must do work originally required of the contractor, and from which it may be released, and what it will cost to do this work, the final cost of the *Louisiana* can not be accurately stated, and no comparison with the cost of the *Connecticut*, yet undetermined, can be made.

But there is even more to be taken into account when the statement of the final cost of the *Louisiana* is prepared. The figures thus far given, to wit, \$4,122,986, include only the contract price and the cost of alteration up to February 9, 1906. There are many other elements of cost, however, which must be included in the account. As stated by the Secretary of the Navy in his communication to the Speaker of the House, under date of December 29, 1902 (H. Doc. No. 235, 57th Cong., 2d sess.):

The scheme adopted for making up these cost accounts is intended to include the pay and allowances of all officers of the Navy as well as all employees exclusively employed upon the inspection or construction of these vessels, and also a portion of the pay and allowances of all officers employed at the shipyards and navy-yards or on inspection duties a portion of whose time is given to these vessels among others under construction.

So that these additional expenses must be added to the contract price—the cost of alterations, the cost, if any, of doing work from which the contractor has been released, and some other expenses, not inconsiderable charges, to which I shall now refer.

The latest statement of expenditures submitted to Congress by the Secretary of the Navy, under the provisions of the act of July 2, 1902, is dated February 7, 1906, and is contained in House Document No. 478, Fifty-ninth Congress, first session.

I have examined that statement with the utmost care, and I challenge any Member of this House to point out the expenditures therein stated to have been made on the *Louisiana*, which were made under the provisions of the contract, and those which are made in addition to the terms of the contract. One item of \$18,979.35, under the title "Cost of inspection at works of contractors," is clearly in addition to the contract price, and it is the only item that can be so segregated. Where are the other charges buried?

In Senate Document No. 175, first session Fifty-seventh Congress, entitled "Letter from the Secretary of the Navy, showing the amounts authorized for new vessels under 'Increase of the Navy' in each act of Congress since and including the act of March 3, 1883, in response to Senate resolution of February 21, 1901," there is information that suggests the question that I ask.

I find in that document, and as the letter is dated February 7, 1902, it has no data upon the two ships now the subject of discussion, that the plans, etc., for the first-class battle ship *Alabama*, of 11,565 tons displacement, cost \$113,739.43. These figures and those that follow include the expense to both the Bureau of Construction and Repair and to the Bureau of Steam Engineering. The first-class battle ship *Illinois*, 11,565 tons, \$77,611.06; the *Indiana*, 10,288 tons, \$74,899.64; the *Iowa*, 11,340 tons, \$75,168.87; the *Kearsarge*, 11,540 tons, \$108,597.90; the *Kentucky*, 11,540 tons, \$106,962.77; the *Missouri*, 12,240 tons, \$26,984.50.

Some of the vessels appear to have had comparatively small amounts spent for such purposes, but whether that is due to the fact that the plans of previously authorized vessels had been used, or that such vessels had not reached such a stage of completion, being practically just begun, I am unable to say. The fact is, however, that large expenditures are made for such

purposes, and the probability is that a large sum in addition to the contract price of the *Louisiana* must be expended.

The contract price is..... \$3,990,000.00  
Alterations to February 9, 1906..... 132,986.00  
Inspection at works of contractors..... 18,979.35

Total expenditures possible to estimate  
definitely from data at hand..... 4,141,965.35  
Limit of cost..... 4,212,000.00

Available for all other purposes..... 70,034.65

This merely demonstrates that until the vessels are completed and the accounts accurately and definitely cast, that it does not lie with anyone to assert that the cost of the *Connecticut* will be any appreciable amount greater than that of the *Louisiana*.

#### EIGHT-HOUR DAY IN NAVY-YARDS ADVANTAGEOUS TO GOVERNMENT.

That was the chief purpose I had in speaking upon this bill. One other phase of the question I desire to refer to briefly before I conclude.

It is continuously asserted that the cost of building in Government yards is increased because an eight-hour day prevails there against a nine-hour day in private yards. The chairman of the Naval Committee asserted that the committee's recommendation for increasing the limit of cost of the *Connecticut* and the two colliers authorized by the act of April 27, 1904, was due practically entirely to the increased cost of building in navy-yards.

The gentleman from California [Mr. KNOWLAND] has conclusively shown that the increased cost of the colliers is due to the elaborate changes and alteration made in the plans since the original estimate was made. The result is that vessels never in contemplation when the estimate was made have been planned. The Chief Constructor in his report for the fiscal year 1905, speaking of the recommendation, does not base it upon the increased cost of construction in navy-yards. He says:

Since the construction of the *Prometheus* and *Vestal* at navy-yards is mandatory, and since the original estimates for these vessels contemplated building by contract, at the comparatively low rates then prevailing, and since their construction at navy-yards under present conditions can not be completed without exceeding the limit of cost, it is recommended that Congress be requested to extend the limit of cost of each of these vessels to \$1,550,000.

The Chief Constructor, however, is one of those who continually assert that the cost of construction in navy-yards is greater because of the eight-hour day that prevails there.

He says in his report for 1905:

In this connection the Bureau desires to invite attention to the following extract from its last annual report in reference to the desirability and cost of building vessels in Government yards:

"Although every possible precaution is being taken to reduce the cost of the *Connecticut* to the most economical basis, it can hardly be hoped that the work will be done as cheaply as when performed in private shipbuilding yards, whose rates of pay for nine hours' work are in many cases less than those being paid for eight hours' work at the navy-yard, New York. It may also be noted that private shipyards do not pay their 'per diem' employees for holidays or when on leave, whereas a very large proportion of the 'per diem' employees on the *Connecticut* receive pay for fifteen days' leave and seven public holidays during the calendar year without any work being done in return therefor.

"One of the principal objects to be attained in the building of vessels in Government yards is the maintenance of the organization of the yard and the provision of suitable work for experienced mechanics during the absence of the fleet. \* \* \*

Mr. Chairman, it has been conclusively demonstrated that the Government suffers no inconvenience nor disadvantage from its eight-hour day. In fact, the mechanics employed on the *Connecticut* have done one-tenth more work in eight hours than the mechanics employed on the *Louisiana* have done in nine hours. This is no idle boast. It is not the invention of my imagination. It is the deliberate conclusion of the Department of Commerce and Labor, after an investigation directed by a committee of this House. After a thorough investigation it reported "that the average production per man per hour on the *Connecticut* exceeded by 24.48 per cent the average production per man per hour on the *Louisiana*, which explains why the progress on the *Connecticut*, as shown in the reports of percentage of work completed to the Bureau of Construction and Repair, has kept pace with the percentage reports of the work completed on the *Louisiana*."

This means that practically a man on the *Connecticut* has done as much in eight hours as would take the mechanic on the *Louisiana* to do in ten hours, so that, I repeat, the navy-yard employees have done in eight hours one-tenth more work than the mechanics on the *Louisiana* in nine hours.

#### COMPARISON OF COST OF BUILDING HERE AND IN ENGLAND.

It has been frequently asserted that vessels of all kinds are built much more cheaply in England than in this country. For that reason I desire to insert here, as of special interest, a table

giving certain comparative data in regard to the U. S. battle ship *Connecticut* and His Majesty's battle ship *King Edward VII*, the figures for the latter being taken from the 1905 copy of Brassey's Naval Annual.

From this table it will be seen that in size, armor, armament, speed, type of machinery and boilers, and other features that go to make up offensive and defensive qualities, and which affect the cost of the two vessels in a like manner, the *Connecticut* and the *King Edward VII* compare very closely. The cost of the latter, as given in an article by Sir William White, late chief constructor of the British admiralty (as outlined in the February 23d number of London Engineering), is as follows (exclusive of armor and guns): Hull, £400,000; gun mountings, mechanism, etc., £200,000; machinery, £200,000; incidental dock-yard charges, £90,000; total of above, £890,000 (about \$4,331,000). The limit cost as set by Congress for the *Connecticut* (exclusive of armor and armament) is \$4,212,000; it will thus be seen that this limit of cost does not equal the cost of the *King Edward VII* by \$119,000.

Item.	Connecticut.	King Edward VII.
Displacement.....	16,000 tons.....	16,350 tons.
Length.....	455 feet 4 inches.....	425 feet.
Beam.....	76 feet 10 inches.....	78 feet.
Draft.....	24 feet 6 inches.....	26 feet 9 inches.
Speed.....	18 knots.....	19.04 knots.
Coal carried.....	2,200 tons.....	950 tons.
Indicated horsepower.....	16,500.....	18,138.
Boilers.....	B. & W.....	B. & W.
Engines.....	Reciprocating.....	Reciprocating.
Armor, thickness in inches:		
Belt.....	11 to 9.....	9.
Side above belt.....	7 to 6.....	8 to 7.
Gun positions.....	12 to 6.....	12 to 6.
Protective deck.....	3 to 1½.....	2 to 1.
Submerged torpedo tubes.....	4.....	4.
Battery—number of guns, with caliber in inches.....	4 12-inch, 8 8-inch, 127-inch, 33 small-er.	4 12-inch, 4 9.2-inch, 10 6-inch, 28 small-er.
Complement in officers and men.....	899.....	776.

#### RESULTS JUSTIFY CONTINUANCE OF NAVY-YARD CONSTRUCTION.

The results thus far attained in the contest between the navy-yard and the private yard demonstrate the wisdom of limited construction at navy-yards.

The navy-yard has been severely handicapped in the test. I might recall that extraordinary action taken by the Department at a critical time. With so much depending upon the issue, it was the duty of those in charge of the Government interests to be especially careful in what was done. And yet, when the *Connecticut* was about half completed, the constructor in immediate charge of the work was transferred and another put in his place. I do not say a less able man, but certainly one lacking in that particular and minute knowledge of the work under way possessed by the officer transferred.

Despite the keen rivalry between the navy-yard and the private yard, the constructor in charge at the Brooklyn yard, against the protests of his subordinates, never hesitated to shift mechanics from the *Connecticut* to the ordinary repair work of the yard. And yet, although, as I am reliably informed, the Newport News Company worked its men overtime and exerted every energy on the *Louisiana*, and although the delays of armor deliveries were a severe handicap, the vessels are practically at the same stage of completion.

In my opinion, Mr. Chairman, this policy of navy-yard construction should be continued. A short time ago I urged the Secretary of the Navy to direct the officials of the navy-yards to submit bids upon new vessels in competition with private builders, but without results so far. This plan was tried some years ago in California on certain repair work, and the navy-yard not only underbid the contractors, but did the work for less than the estimate.

To have direct competition between the navy-yards and private yards would be of undoubted benefit to the Government. Even the opponents of navy-yard construction could not fairly object to this plan. It would result in better prices for the Government, better ships for the Navy, and, in my judgment, a fuller use of the facilities of the Government yards.

The navy-yard, in the pending contest, has justified every claim made on behalf of the policy of limited construction in navy-yards, and the welfare of the country demands that the policy be not abandoned as its fruits are about to be gathered. [Applause.]

The Clerk read as follows:

Contingent, Navy: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for

such purposes as he may deem proper, \$65,000: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made under the appropriation "Contingent, Navy," to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year 1907: *And provided further*, That a sum not to exceed \$5,000 may be expended by the Secretary of the Navy for legal advice out of this appropriation.

Mr. TAWNEY. I reserve the point of order against the proviso, for the purpose of asking the chairman of the committee a question in regard to that proviso. The Navy Department has a Judge-Advocate-General, and in addition to that a solicitor, and I am unable to understand why it is necessary to appropriate \$5,000 to be expended for legal advice, or legal advice in addition to that which the Secretary of the Navy may now obtain from the Judge-Advocate-General and from the Solicitor of the Navy Department.

Mr. FOSS. I will state to the gentleman that the Secretary of the Navy especially requested that of this contingent fund of the Navy \$5,000 might be expended for legal advice. It is true that the Navy Department has a corps, presided over by the Judge-Advocate-General of the Navy, but he is not a civil lawyer. He is an officer of the Navy, and he supervises military justice.

Mr. TAWNEY. In addition to the Judge-Advocate-General, if I may interrupt the gentleman, they have a solicitor, or legal officer of the Navy Department, independent of the Attorney-General's Office, which by law is an office to which the Secretary of the Navy may apply, and to which he has very frequently in the past applied, for legal advice and counsel in respect to any legal question which may arise in the administration of his Department. I speak of this, because this proposition looks to me as if it is simply for the purpose of creating a place for some other officer under the guise of legal advice.

Mr. FOSS. I will say to the gentleman from Minnesota that certain Departments of the Government have assistant attorney-generals, specially delegated to them—for instance, the Post-Office Department and the Interior Department, but in the case of the Navy Department there is no such officer who is especially charged to and who is especially delegated and assigned to the Navy Department.

Mr. TAWNEY. Will the gentleman permit me? The Judge-Advocate-General of the Navy is assigned to the Navy Department, and is supposed to be peculiarly fitted for giving any advice that the Secretary of the Navy may require in the administration of the Department, and in addition to that—

Mr. FOSS. The gentleman, I feel sure, is mistaken about that. The Judge-Advocate-General of the Navy is an officer of the Navy.

Mr. TAWNEY. I understand.

Mr. FOSS. He is no lawyer whatever, but simply looks after military justice.

Mr. TAWNEY. I am afraid that the gentleman is not stating quite the fact about that.

Mr. FOSS. That is absolutely true. That is what the Secretary says in his hearing. He says:

While the very necessity of the case has caused that work to be thrown on the office of the Judge-Advocate-General, it was not originally organized with any such idea, but was organized to supervise military justice.

And then he says "he could have just asked the opinion of the Attorney-General, but it is a very cumbersome process," and there is no special officer from the Department of Justice delegated to the Navy to perform this work.

Now, as to creating a new office, the Secretary says:

I do not want a permanent official, because the chances are that if you appointed one there you would not be able to pay him a salary which would secure a first-class lawyer, and he would have practically little or nothing to do for nineteen-twentieths of the time. But now and then in half a dozen different cases, perhaps, since I have been in the office, it would have been a decided convenience to me if I could have telephoned to one or two or three, or perhaps half a dozen I know here, and asked them to come up there, saying that I would like to get their opinion on this question.

There are many contracts in connection with the work of the Navy Department, drawn up in that Department, involving large sums of money, upon which the Secretary of the Navy frequently desires legal advice.

Mr. TAWNEY. Will the gentleman from Illinois permit a question?

Mr. FOSS. Oh, certainly.

Mr. TAWNEY. Is it not a fact that in addition to the Judge-Advocate-General the Navy Department has in its employ lawyers for the purpose of passing on all contracts?

Mr. FOSS. Not outside of the Judge-Advocate-General's corps.

Mr. TAWNEY. They have lawyers that pass upon the legality and form of all contracts.

Mr. FITZGERALD. They are called law clerks.

Mr. TAWNEY. They have their law clerks for that purpose. Mr. FOSS. But the head of the Judge-Advocate's Department is a naval officer. Mr. Hanna is a civil lawyer, an able one, who went into the Department a number of years ago and who is a part of the force. He receives a salary, I think, of about \$2,500 a year.

Mr. TAWNEY. If the gentleman will permit me, I wish to say that if the Secretary of the Navy needs an additional solicitor or an assistant attorney-general, and can satisfy the Committee on Naval Affairs that that office is necessary, I would not object; but I do not think we are justified in providing for a place under the guise of appropriating for legal advice to the extent of \$5,000 a year. That being the case, Mr. Chairman, I insist upon the point of order, on the ground that it is new legislation, not authorized by law.

Mr. SPARKMAN. I should like to ask the gentleman if this is the first appearance of a provision like this in the bill?

Mr. FOSS. Yes; this is the first appearance of a provision like this. It is in the contingent fund of the Navy, amounting to \$65,000, which can be expended within the discretion of the Secretary of the Navy.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. FOSS. Mr. Chairman, I desire to say nothing upon the point of order. I think it is a question of doubt, though, as to whether it is subject to the point of order, whether it is not a limitation on the appropriation. It is under the contingent fund of the Navy, which is expended on the approval and authority of the Secretary of the Navy.

The CHAIRMAN. If it may be expended out of the contingent fund, of course the proviso is unnecessary. The Chair is of the opinion that it is new legislation, and therefore the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, \$121,340.

Mr. KELIHER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 5, in line 16, after the word "dollars," add: "*Provided*, That no part of this appropriation shall be expended in recruiting seamen, ordinary seamen or apprenticed seamen, unless a certificate of birth, or other satisfactory evidence showing the applicant to be of the age required by naval regulations, shall be presented with the application for enlistment."

Mr. FOSS. I reserve the point of order.

Mr. KELIHER. Mr. Chairman, this amendment is offered in the hope of remedying an evil in the naval service that is a source of sorrow to a vast number of families of the country and the cause of no end of troubles to Members, particularly those who represent seaport districts. It aims to correct the abuse of enlistment by minors, who, unable to obtain the consent of their parents, resort to perjury to obtain admission into the naval service.

I do not attach blame to the recruiting officers, though I'm constrained to declare that they do not always exercise due discretion. It is a fact which can not be disputed that the number of these vexatious cases is far too large, and have been increasing at a rate which demands the immediate attention of Congress. In a moment of pique, following a quarrel at home, or discouraged over the failure to obtain employment, these lads, mere striplings, turn toward the recruiting offices.

Being under age and with parents who would never agree to their entering the service, these unthinking, foolish youths declare themselves 21, make oath to the misstatement, and are accepted. What happens? When they come to their better senses, when the heat of anger has cooled and the depression of disappointment worn off, and they realize their predicament, they write in piteous terms for release to their parents. The broken-hearted mother appeals to the Congressman of her district, confident that he has but to say the word and her erring offspring will be restored to liberty and his parents.

Of course, Mr. Chairman, the Congressman is powerless in the matter, but has to submit to the appeals and prayers of the distracted parents. I have in mind a case where I plainly told the mother of a young scamp, who had fraudulently enlisted, that nothing could be done. I advised her to leave him in the Navy, pointing out that if the authorities discovered that her boy had committed perjury they would order a court-martial, which would result in his being sentenced to a naval prison for a long term. She persisted, claiming that her boy would get but one year in a prison, where she could visit him frequently, while his service in the Navy would call for three years.

No thought of the disgrace that his sentence would bring to

her son, no consideration of the lasting stigma upon his character this imprisonment would brand—only the desire to get him out. Mr. Chairman, I aim by this amendment to put barriers in the way of these juvenile evildoers. The Navy Department does not want them. The law governing enlistments fixes the minimum age of enlistment at 15, but is elastic so far as the authority of the Secretary of the Navy is concerned.

The Secretary has the power to fix the age so long as 15 years is the minimum and 35 the maximum. In a general order promulgated on November 29, 1904, the minimum was increased from 15 to 17 years, showing conclusively that the naval authorities did not want these young lads. They are scarcely enlisted before they begin to pine for home and mother. They are no good to the service. There is growing up in the country a powerful sentiment of hostility to the Army and Navy, and this sentiment is drawing heavily from the resentment of mothers and fathers of the land whose minor children have fallen into the meshes of the recruiting officer. Attention should be given and legislation enacted, Mr. Chairman, which will minimize, if not arrest, this abuse. It would seem as if no great amount of thought or ingenuity would be required to draft an amendment that will accomplish a reform along this line. I believe in the efficacy of my amendment. It will be argued that the element of impracticability too strongly enters; that it is not possible in all cases for an applicant to produce a certificate of birth, having possibly been born in a western city and wishing to enlist in an eastern station.

Mr. Chairman, if this be so, let him produce letters from those for whom he was employed, or a statement from neighbors. He must, indeed, be a queer member of society who can not furnish a line of evidence of some character to show that he has reached his majority. Not in a spirit of jocosity, I would say, by way of illustration, that an applicant for enlistment whose face bore a set of full-grown whiskers, which clearly indicated the owner to be a full-grown man, would be sufficient evidence. It is to halt the enlistment of the mere youth that this restriction seeks. The amendment is so drawn, Mr. Chairman, as to allow plenty of latitude for the recruiting officer. It will permit of broad construction, and all an officer need do is to exercise ordinary common sense and some degree of discretion and desirable results will follow. It will not involve additional expense upon the Government or work any hardship to the recruiting officer, but will save many a careless boy from starting his life wrong and prevent many a mother suffering heartache as the result of a son's waywardness. [Applause.]

Mr. BUTLER of Pennsylvania. Mr. Chairman, I was not inattentive when the gentleman's amendment was offered, but I ask unanimous consent that it may be read again.

The CHAIRMAN. If there be no objection, the Clerk will read.

The Clerk again reported the amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, if I may be permitted to make a suggestion to the gentleman from Massachusetts, I want to say that as I understood from hearing his amendment read, it would, under the ordinary rule of statutory construction, require in every case written evidence of some character. The amendment provides that he must bring a certificate of birth "or other evidence." The ordinary rule is that "other" means evidence of the same character.

Mr. KELIHER. If the gentleman will read the amendment carefully, he will see that it says "other satisfactory evidence." That allows all kinds of evidence.

Mr. TAWNEY. If the gentleman from Massachusetts will permit me an interruption?

Mr. KELIHER. Certainly.

Mr. TAWNEY. The recruit must now furnish evidence of his age, must he not, and that evidence must be under oath?

Mr. PALMER. And must be satisfactory.

Mr. TAWNEY. And it must be satisfactory to the recruiting officer.

Mr. KELIHER. Yes.

Mr. TAWNEY. Therefore the gentleman's amendment would not accomplish the purpose he intends, provided the boy did not bring a certificate of birth; then he would bring the same evidence he is now required to bring.

Mr. KELIHER. I think where the gentleman from Minnesota [Mr. TAWNEY] errs is that when they enlist they bring no evidence whatsoever. They simply say they are over 21 years of age.

Mr. TAWNEY. They are made to take the oath.

Mr. KELIHER. Oh, they make them swear to it. I admit there is perjury, and I want to put barriers in the way of these youthful transgressors.

Mr. TAWNEY. I think what the gentleman intends to do is commendable. The only fear I have is that he will leave

the door so wide open in the language that follows the words "certificate of birth" that the young men can get in under his proposed amendment just the same as they are doing now.

Mr. KELIHER. I desire to state to the gentleman that under the existing law these boys take oath. We do not change what already exists. The law is just as tight and just as loose under this amendment as it is to-day, but in addition to that a recruiting officer who recruits a boy 15 years of age when his attention is called to it is asked upon what evidence he recruited the boy, and he must produce a certificate of the boy's birth or some evidence that is of a satisfactory character. Now, will the gentleman contend that a simple statement signed by the boy—

Mr. TAWNEY. And sworn to.

Mr. KELIHER. The boy perjures himself. We admit that.

Mr. TAWNEY. Would not that be satisfactory?

Mr. KELIHER. No.

Mr. TAWNEY. I agree with the gentleman. I have had two cases of this kind in my own home city where I thought the recruiting officer was probably imposed upon by two boys who had fallen out with their parents and who submitted evidence, under oath, as to their age and were admitted into the Navy without knowledge on the part of their mothers, and it caused a great deal of distress on the part of their mothers, and a great deal of trouble on the part of their Representatives; but I fail to see how the gentleman is going to remedy the evil in the use of the language that he employs following the words "certificate of birth."

Mr. KELIHER. I would ask the gentleman if, in his opinion, the amendment would be strengthened if I were to insert the words "other than his own statement?"

Mr. TAWNEY. I think that would add very materially to the amendment.

Mr. FOSS. Mr. Chairman, I do not want to accept any amendment such as has been suggested by the gentleman unless it is thoroughly and carefully prepared. I would withdraw the point of order if this matter could be carefully considered and revised.

Mr. KELIHER. Mr. Chairman, I am perfectly willing to confer with the gentleman.

Mr. FOSS. I would suggest that we pass over this for the time being, and in the meantime, I think, we could prepare such an amendment as would meet with the approval of a great many gentlemen who have had more or less bother with this provision of the law.

Mr. KELIHER. I am perfectly willing to have it passed without prejudice.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the paragraph may be passed without prejudice.

Mr. RIXEY. Mr. Chairman, before that request is put I desire to say a word or two as to the amendment. The present law provides that a boy under 18 years of age shall not be enlisted without the consent of his parent or guardian. That is the present law, and I will read the first section of it:

Minors between the age of 16 and 18 shall not be enlisted for the naval service without the consent of their parents or guardians.

Mr. FOSS. Well, it is 17 now.

Mr. RIXEY. Well, whatever the law is. It is really 14, but the Navy Department does not enlist them under 17. There is also a provision—I saw it a few days ago—which provides that where a naval officer enlists boys under 18 years of age it shall be cause for his dismissal from the service, and it seems to me that the law as it exists at present, applying to persons under 18 years of age, is as explicit as it can be, except I would require that the consent of the parent or guardian should be in writing.

Mr. TIRRELL. Mr. Chairman, I would like to ask the gentleman from Virginia whether he ever knew of a case or could cite a case where a recruiting officer was dismissed from the service.

Mr. RIXEY. Suppose I do not know of any such case; I am not responsible for the failure of the Department to enforce the statute in that respect.

Mr. PERKINS. Mr. Chairman, the Department can not enforce the provision, because the trouble, of course, is with the boy. He makes the statement that he is over 18 years of age. That being so, there is no necessity for getting the consent of the parents or the guardian, because the boy says he is over 18 years of age. It appears afterwards that he was under 18 years of age, and the recruiting officer says, "Here comes in some big tall fellow who says that he is over 18 years of age, and I am to be dismissed because I said the statement of a great tall fellow like that." It has been said there is no way to have him retired, because the authorities uniformly say if such an application is made they will punish the boy for perjury, and

the provision of the gentleman from Massachusetts, it seems to me, is an eminently fair and just one that can do no harm and will cure quite a considerable evil.

Mr. PALMER. Cure nothing.

Mr. RIXEY. Mr. Chairman, in addition to what I referred to a moment ago, there is a special penalty on the officer.

Any officer who knowingly enlists into the naval service any deserter from the naval or military service of the United States, or any insane or intoxicated person, or any minor between the ages of 16 and 18 years without the consent of his parents or guardian, or any minor under the age of 16 years, shall be dishonorably dismissed from the service of the United States.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. RIXEY. Certainly.

Mr. PERKINS. I call attention to the clause which says, "Any officer who knowingly."

Mr. RIXEY. The gentleman surely would not want to change the statute in this respect. The officer should not be dismissed in disgrace unless he knew the boy to be under the proper age.

Mr. PERKINS. That is why the statute does not cure the evil. The statute is all right.

Mr. RIXEY. The statute is all right. Then if the boy is 17 years of age and swears he is over 18 your only remedy is to prosecute the boy.

Mr. PERKINS. That is a very harsh remedy.

Mr. RIXEY. That may be, but it is the only remedy.

Mr. CAMPBELL of Kansas. Mr. Chairman, may I suggest that if the Navy Department would recede from the rule of giving the boy's parents the alternative of having the boy remaining under his enlistment or to be prosecuted for perjury the amendment offered by the gentleman from Massachusetts and all discussion upon this would be wholly unnecessary, for the Department would, upon proper showing made by the parent or guardian or their representatives that the boy was enlisted under age, give him an honorable discharge from the service.

Mr. RIXEY. I think the trouble about this whole matter is—

Mr. CAMPBELL of Kansas. But they will not do that.

Mr. PALMER. A boy of 16 or 17 years of age is as guilty of committing perjury as well as a boy of 27, and giving him an honorable discharge is simply to permit perjury.

Mr. CAMPBELL of Kansas. In all probability the youth is out with his brothers, out with his parents, and maybe ran away from home.

Mr. RIXEY. I would say to the gentleman if the boy has had the matter properly explained to him, and he deliberately swears falsely to his age he ought to be responsible. He ought to have the matter fairly explained to him, and if he does not, then the officer himself is liable. This depends, as in every other case, upon the facts. Now, I think the trouble is that boys are taken into the Navy between 18 and 21 years old without the consent of their parents. I do not believe that the Navy Department has the right to enlist boys between 18 and 21 years without the consent of the parents without express statute to that effect, and there does not seem to be an express statute. On Saturday I asked the gentleman from Massachusetts [Mr. TIRRELL] the question whether or not between the ages of 18 and 21 a boy was required to present with his application for enlistment the written consent of his parents, and the gentleman from Massachusetts was under the same impression that I was, and stated that he did have to present that written request. Upon information from the Department I find that the Department does not require the written consent of the parents where the minor is between the years of 18 and 21.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. RIXEY. Yes.

Mr. FITZGERALD. I have a case now in mind which occurred within two weeks where a young man attempted to enlist. He was over 18, but under 21. The parents were dead, and he was living with a married sister. He went to a gentleman who seems to make a business of it and had him appointed as his guardian in a court of competent jurisdiction, and was enlisted in the Navy with the consent of his legally appointed guardian. This young man was a youth who had been a sickly child and a cause of great worry to his relatives. His brother died of consumption, and this boy had the same characteristics that he did. Yet a physical examination discloses the fact that apparently he is in good health, and he will not be discharged from the service.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. RIXEY. Mr. Chairman, I would like to have two minutes more.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent for two more minutes. Is there objection?

There was no objection.

Mr. BARTLETT. Will the gentleman yield a moment for a question?

Mr. RIXEY. I will.

Mr. BARTLETT. Mr. Chairman, I would like to ask the gentleman from Virginia this question: If he has stated it correctly, the law of the United States is that over the age of 18 a young man has a right to enlist, regardless of his parents' or guardian's consent?

Mr. RIXEY. I did not state that that was the law. I said that was the practice.

Mr. BARTLETT. Is it not the statute?

Mr. RIXEY. No. I would like to see the statute. I do not think there is any statute on the subject.

Mr. BARTLETT. I would like to ask the gentleman what he thinks of this proposition. I call his attention to it because I had a discussion with Mr. Moody when he was Secretary of the Navy, and he took the position—at least was inclined to take the position—that even those who were over 18 and under 21 years, in those States that required the child to be subservient to the directions of the parent, would require the consent of the parents. And I can recall a case, but not the name or the court, where the court had discharged upon habeas corpus one or two young men who had been enlisted when over 18 and under 21, because under the laws of the State the parents were entitled to the service of the child until he became 21 years old. Now, while I am on my feet, I will say that I have investigated this matter, but not very carefully, in a case which I had, and I found that the Navy Department had, in my judgment—and in this I was sustained by the then Secretary of the Navy, Mr. Moody—given a wrong construction to an opinion rendered by former Attorney-General Harmon in a certain case referred to him by the Navy Department. And the Secretary of the Navy, Mr. Moody, concluded such construction was not authorized by the opinion, and that until a boy arrived at the age of 21 he was subject to the control of his parents, though it had been the practice of the Navy Department to take such enlistments of boys over 18 years of age without the consent of the parents.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. RIXEY] has expired.

Mr. BARTLETT. I ask that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RIXEY. Mr. Chairman, I agree with the gentleman from Georgia [Mr. BARTLETT] in what he states about his own opinion and that of Attorney-General Moody. In the absence of express statute from Congress I think unquestionably the Navy Department has no right to say it will enlist boys between 18 and 21 years in a State where the parent is entitled to the services of the boy and to the custody of the boy until he is 21 years of age. But the Navy Department, I am informed by the Department, proceeds upon the other theory, that it has a right to enlist boys between 18 and 21 without the consent of parent or guardian, and it is now doing that.

I know of one instance of a very poor man in a county in my district whose boy went away from home and enlisted. The old man needed his services at home in the cultivation of his farm and for the support of the family and appealed to me. I went to the Department, and the Department said that the boy was over 18. We admitted that, and the Department would not surrender the boy unless it was compelled to do so by law. The father of this boy was a very poor man, as I have said. He was not in a condition to go to law, and he had to give up the services of his son in this way. I shall insist, if any amendment goes on this bill, that an amendment ought to go on that will protect the right of the parent until the child becomes 21 years of age. No minor should be enlisted, under 21 years of age, without the consent of the parent or guardian.

Mr. DAWSON. Does not the gentleman think the difficulty might be cured if they required the written consent of the parents?

Mr. RIXEY. I agree with you. I said that it ought to be with the written consent of the parents or guardian in any case where the boy is under 21 years of age.

Mr. WANGER. I would ask my friend from Virginia whether or not cases have come to his notice where young men have forged the consent of their parents?

Mr. RIXEY. That may be. There are other cases that have come to my knowledge where people, not minors, have forged papers, and they are responsible.

Mr. WANGER. If the consent of the parent is to be required, ought it not to be required in such form that there will be no temptation to forge it?

Mr. RIXEY. I agree with the gentleman as to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that the paragraph under consideration, with the point of order pending thereto, be passed without prejudice? [After a pause.] The Chair hears no objection; and it is so ordered.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GREENE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the bills of the following titles:

S. 5683. An act to provide for the removal of derelicts and other floating dangers to navigation;

S. 4976. An act to grant certain land to the State of Minnesota to be used as a site for the construction of a sanitarium for the treatment of consumptives; and

S. 2296. An act restoring to the public domain certain lands in the State of Minnesota.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

#### Senate concurrent resolution No. 25.

*Resolved by the Senate (the House of Representatives concurring). That the President be requested to return to the Senate the bill (S. 3454) entitled "An act granting an increase of pension to William Wilson."*

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14397) making appropriation for the support of the Army for the fiscal year ending June 30, 1907, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. FORAKER, and Mr. BLACKBURN as the conferees on the part of the Senate.

#### NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Contingent: Advertising, telegraphing on public business, postage on letters sent abroad, ferrage, ice, continuous-service certificates, discharges, good-conduct badges, and medals for men and boys; transportation of effects of deceased officers and enlisted men of the Navy; books for training apprentice seamen and landsmen; maintenance of gunnery and other training classes; packing boxes and materials, and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify, \$15,000.

Mr. MANN. I move to strike out the last word. The enlistment of boys under age is not the only difficulty about enlistment in the Navy, according to the experience which I have had. I suppose the truth is that the Navy, through the fraudulent and false advertisements and pictures which it puts out, enlists a great many young men who become patriotic and enlist under a kind of supposition that they will have a fine time in the Navy, and when once in the Government is as inexorable and cold-blooded as anything ever could be in the world, at the North Pole or elsewhere. I have one case here, which is only an instance of a great many that constantly occur, to which I am going to call the attention of the House. A young fellow named Harry Ex, aged 20, in a moment of desperation and discouragement, enlisted in the Navy January 9 of this year. He is the oldest boy of a family of seven children, his father being an invalid and unable to earn any money. A younger brother is the only other wage-earner of the family, and his wages are about \$3 a week as errand boy. The father and younger brother were sick and the mother about to be confined of the seventh child. The boy was very depressed, and evidently wishing to be rid of the worry and discouragement, being out of employment, enlisted in the Navy. We have a great deal of talk at times about the desirability of large families in the country and the need of young children growing up. But when this boy is needed at home much more than he is by his country in the Navy; when he ought to be helping to take care of the family of which he is a part, taking care of his invalid father, of his six brothers and sisters, oh, no, the Navy can not part with him, because an order of the President stands in the way.

I forwarded this letter to the Secretary of the Navy:

CHICAGO, January 30, 1906.

HON. JAMES R. MANN,  
Representative Second District of Illinois,  
Washington, D. C.

DEAR SIR: I have a very pitiful case in which I would like you to interest yourself, if you can. A young fellow named Harry Ex, aged 20 years, in a moment of desperation and discouragement, enlisted in the Navy on January 9 of this year. He is the eldest boy of a family of seven children, his father being an invalid and unable to earn any money. A younger brother is the only other wage-earner in the family, and his wages are about \$3 a week as an errand boy.

Harry, the boy who enlisted, was out of employment, and because of the strike of the union printers here had been unable for some time to

work regularly. The father and a younger brother were sick and his mother was about to be confined of her seventh child; the boy was very much depressed, evidently anxious to be rid of his worries, and so enlisted, and now regrets it very sincerely. The family, as you may imagine, is in very poor circumstances; the mother is broken-hearted, and unless she gets her boy back the neighbors fear the consequences. The boy himself, never very strong, now realizes that he made a serious mistake and grievously wronged his family by deserting them in their hour of need, and is very anxious to get back home—so much so that he does not sleep, and is said to be losing in flesh. He is now at the Norfolk Navy-Yard.

I presume it will be a matter of some difficulty to secure this boy's discharge from the Navy, but it certainly would be an act of the greatest possible charity if he could be sent home to his family. If you will kindly set the machinery in motion and get the boy released you will win the parents' everlasting gratitude and my own sincere thanks.

Trusting to have your very early reply.

Yours, sincerely,

GABRIEL J. NORDEN.

They are not constituents of mine. They live in the city of Chicago—the boy and his family—because it seems to me that anybody with a spark of patriotism in his soul would say that boy could do more good taking care of his mother and her children and his invalid father than he could helping on a battle ship floating in the water in time of peace. The Secretary of the Navy sent me the following response:

NAVY DEPARTMENT,  
Washington, February 21, 1906.

DEAR SIR: I am in receipt of your letter in reference to the desired discharge of Harry Ex from the Navy. It would be a source of pleasure to me if I could comply with your request, but I am prevented from so doing by the Executive order on the subject of the discharge of enlisted men, a copy of which I inclose, and by which you will see that discharge can only be granted for unfitness or disability and upon the recommendation of the commanding officer. I regret the circumstances stated in this case, but there is really no action that I can take in the matter. I can only suggest that the young man should be able to make an allotment each month from his pay for the assistance of his family—

It is so large in the Navy, you know—

and, if it is so desired, his attention will be called to the method by which this allotment may be made. I wish that I might give you a more favorable answer, but the order of the President is mandatory on the Department and leaves no opportunity for discretionary action on my part.

Very truly, yours,

CHARLES J. BONAPARTE, Secretary.

HON. JAMES R. MANN, M. C.,  
House of Representatives.

The order of the President is as follows:

GENERAL ORDER }  
No. 104. } NAVY DEPARTMENT,  
Washington, August 16, 1902.

The following Executive Order, superseding the Executive Order of July 10, 1902, which was promulgated in General Order No. 98, is published for the information and guidance of the service:

WHITE HOUSE,  
Washington, August 13, 1902.

No enlisted person serving in the Navy or Marine Corps of the United States shall be discharged therefrom prior to the completion of his term of enlistment except for one of the following causes: Undesirability, inaptitude, physical or mental disability, or unfitness.

In every case the recommendation for such discharge must be made by the immediate commanding officer under whom the man may be serving.

Applications for discharges which reach the Department in any way except through said commanding officers shall be, without exception, disregarded.

THEODORE ROOSEVELT.  
CHAS. H. DARLING, Acting Secretary.

Nothing that could happen at home could get the boy discharged; nothing could get him out of the Navy except his unfitness, or that he commit some act which ought to fire him out. The bowels of compassion were removed from that order. So that we have the President of the United States one minute telling the people to raise large families and the next minute issuing an order forbidding under any circumstances the discharge of a boy from the Navy. [Laughter and applause.] Now, the responsibility of this does not rest upon the President, but upon the Secretary of the Navy, for we all know how these orders are issued by the President. They are issued because the Secretary of the Navy, or the naval officers under him, demand that such order be issued. I say that that order is an outrage on common decency. It ought to be removed by the President; it ought to be removed by law, if necessary. To say that under no circumstances can a boy in the Navy be discharged for cause at home, if his father dies, if his mother has passed away, leaving a family of children that he ought to support—to say that his country needs him in time of peace more than he is needed at home under such circumstances is an insult to patriotism and intelligence.

[Here the hammer fell.]

Mr. ALEXANDER. I move to strike out the last word that I may ask the gentleman from Illinois a question. Has the gentleman from Illinois prepared an amendment to the bill that will reach such a case as he cites?

Mr. MANN. I have not.

Mr. ALEXANDER. Do you propose to do it?

Mr. MANN. I do not.

Mr. ALEXANDER. Then for what purpose have you stirred us up, until we want to help your boy and other boys, if you do not propose an amendment upon which we can vote?

Mr. MANN. I know very well that if I presented an amendment to that effect it would promptly be met by my distinguished colleague from Illinois with a point of order. I was endeavoring to reach the hearts of the members of the Committee on Naval Affairs of the House, and the Navy Department itself, hoping that there might be an amendment either of the law or of the order, to change the present harsh condition.

Mr. ALEXANDER. I think the gentleman from Illinois has not only reached the hearts of his colleagues in the House, but similar letters which have come to his colleagues in the House have also reached their hearts.

Mr. MANN. I have no doubt of that.

Mr. ALEXANDER. I have had several such cases, and I think the time has come when Congress ought in some way to provide that the only boy in a large family relying upon his services might, when the father is taken away and the family becomes dependent upon the son, in time of peace be let out from the Navy.

Mr. BATES. I would like to ask the gentleman if he does not believe that more care should be exercised by the recruiting officers before the contract is entered into? The remarks of the gentleman from Illinois [Mr. MANN] would lead to the violation of all contracts entered into by the young man under the circumstances.

Mr. MANN. A boy 20 years old could not enter into any other kind of a contract which would bind him, except the one with the Government.

Mr. BATES. Mr. Chairman, if the remarks directed to our hearts, as the gentleman says, by the gentleman from Illinois were followed out in the Army and Navy every time the papas and mammas of the country wanted to see their boys, we would have no Army and no Navy left.

Mr. STANLEY. Mr. Chairman, I move to strike out the last word.

I wish to say, in connection with what the gentleman from Illinois [Mr. MANN] has so well said, that the over eagerness of the recruiting officers very often gets boys into the Navy under circumstances that are exceedingly reprehensible. I know of one instance where a young man who ought to have been at home, whose services were demanded there by those absolutely dependent upon him, and who had no business in the Navy, enlisted while he was intoxicated. Those matters where brought before the authorities, and they said: "It does not make any difference. He is here, and we need him." And all efforts to secure his release were absolutely unavailing. It is a common thing for young men to be dragged into this service by the overzeal of recruiting officers, and the Department ought, at least under circumstances of that kind, to take the manner of the enlistment under consideration.

I know of another instance where a young man was engaged to be married to a young lady. Shortly before the marriage was to take place, after a lovers' quarrel, in a fit of desperation the young man enlisted in the Navy. It was reported that he had attempted to escape from his obligation to marry his sweetheart. When the boy heard that his conduct had compromised the woman he loved, he was frantic to return and correct the cruel and erroneous report. The family were anxious for him to return, but it took half the people in one end of the State of Kentucky to get that boy home long enough to marry that girl. [Laughter.] These ironclad regulations, this grim visaged war that frowns on us all the time and everywhere, blind and deaf to every character of compassion, is growing intolerable. [Applause.]

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn.

Mr. FITZGERALD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FITZGERALD. Has this paragraph been passed without prejudice?

Mr. FOSS. Yes; it has been passed.

The CHAIRMAN. The Chair is advised that the paragraph has, by unanimous consent, been passed without prejudice.

The Clerk read as follows:

Naval training station, Great Lakes: Maintenance of naval training station: Labor and material; general care; repairs and improvements to grounds, buildings, and pier; street-car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire extinguishers; heating, lighting, and furniture; stationery, books, and periodicals; ice, and washing; expressage; packing boxes and materials; postage, telegraphing, and telephoning, and all other contingent expenses, \$20,000.

Mr. COOPER of Wisconsin. Mr. Chairman, I reserve a point of order against that paragraph that the appropriation is not authorized by law and that it changes existing law.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I understand the gentleman has made a point of order against this paragraph.

Mr. COOPER of Wisconsin. I reserved the point of order.

Mr. BUTLER of Pennsylvania. The gentleman has reserved the point of order against the section.

Mr. COOPER of Wisconsin. I have reserved the point of order against the paragraph beginning on line 7 and ending on line 16, page 8.

Mr. BUTLER of Pennsylvania. The gentleman from Wisconsin bases his objection upon the ground that there is no law authorizing the appropriation proposed to be made. I call the attention of the Chair to the act of Congress which was passed during the last term. It was proposed that there should be established somewhere in the West at some convenient point a station where young men enlisting in the Navy might be trained, a place convenient to his home, a place where he might be taught. After a good deal of discussion Congress passed the act and authorized a commission to select a site for this station. The commission acted and selected the site for which the appropriation is to be made. I further call the attention of the Chair to the fact that appropriations have already been made for the maintenance of this station. If the Chair desires to examine the act of Congress of 1904, he will find that under the heading of "Naval training station for the Great Lakes" an appropriation of \$250,000 was made, and the purpose was to purchase land. The President by that act of Congress was authorized and empowered to appoint a board, and the appropriation asked for in this bill has no other purpose than to maintain the station and to provide for such conveniences as the Navy may require. Therefore, I submit that the necessary legislation has already been passed, and these appropriations are in order.

Mr. COOPER of Wisconsin. I have always understood that no portion of the \$250,000 was expended. I understood that the board accepted a gift of a site, and I did not suppose there was any law which authorized the expenditure of the \$250,000 except for the purchase of a site. I have always understood that the site was given and that no part of this money was expended.

Mr. FOSS. Mr. Chairman, I desire to say a word on this proposition. In the Navy appropriation bill approved April 27, 1904, appears this provision:

Naval training station, Great Lakes: The purchase of land and the establishment of a naval training station on the Great Lakes, \$250,000.

I am reading from Pulsifer's Compilation of the Naval Laws, page 444. The Chairman will mark the words "the purchase of land and the establishment." Then it goes on:

The President is hereby authorized and empowered to appoint such a board, consisting of not less than three members, none of whom shall be a resident of any State bordering on the Great Lakes, whose duty it shall be to select the most available site for such naval training station on the Great Lakes, and having selected such site, to ascertain and report its probable cost and the probable expenditure which will be necessary for improving the same, including lake shore protection and construction of necessary harbor facilities, and to make a detailed report of their findings and proceedings to the President, who, upon approval of such report, shall authorize the purchase of such site and the establishment of such naval training station.

All of these provisions have been carried out in the establishment for this naval training station. The board has reported to the President, and the President has ordered the establishment of it, and did it more than a year ago. The station has been established at Lake Bluff. The citizens of Chicago contributed \$172,000, bought the land, and turned it over to the United States Government. It is to-day, and has been for many months, expending out of this appropriation of \$250,000, which Congress authorized two years ago, such moneys as are necessary to make the improvements which are being made on that site to-day.

So there is no question as to the propriety of our providing here for the maintenance of this training station. A little further on in the bill is a provision for the construction of buildings, but as to the establishment of it and as to the propriety of this legislation there is no question in my mind, and I am sure there is no question in the mind of the Chair.

The CHAIRMAN (Mr. OLMSTED). The Chair finds that by an act approved April 27, 1904, Congress authorized and appropriated \$250,000 for the purchase of land and the establishment of a naval training station on the Great Lakes. It gave the necessary authority for the selection of a site and the establishment of such naval training station.

It appears from the statements that have been made that the site or a portion of land for the site was contributed by the citizens, but that does not seem to the Chair to impair the fact that the establishment of the station was authorized. The paragraph to which the point of order is urged appropriates for the maintenance of the naval training station thus authorized. It seems to the Chair that it is clearly in continuance of a Gov-

ernment work authorized and in progress, and therefore in order.

Mr. COOPER of Wisconsin. Mr. Chairman, will the Chair permit one more suggestion? The law which the Chair has been reading provides that the board shall select the most available site for such naval training station on the Great Lakes, and, having selected such site, ascertain and report its probable cost and the probable expenditure which would be necessary for improving the same, including lake-shore protection and construction of necessary harbor facilities, and to make a detailed report of their findings and proceedings to the President, who, upon approval of such report, to wit, a detailed report, etc. It is my understanding that this was approved without any such report being submitted. There may have been some months after the first approval a report filed, but the selection was approved without there having been any such estimates, any such investigation reported—no details as to the probable expenditure submitted, because I asked the secretary of the President what communications, if any, had come from that board, and he submitted a letter or a copy of a letter written by the then Secretary of the Navy, Mr. Paul Morton, saying that the site was all right, and ought to be approved, and it was approved. There may have been since that time estimates submitted, detailed plans drawn, and likewise submitted. As to that I do not know, and will ask the chairman of the committee in respect to that.

Mr. FOSS. Mr. Chairman, the report of this Commission was submitted to the President. The Commission unanimously selected a certain site, and that report was submitted to the President, and the President approved the selection of the site and ordered the establishment of a naval training station. The report of the commission was brought out in the hearings of last year before the Committee on Naval Affairs, and is a part of the hearings of that committee, and estimates have been made by the Department for this station. It came up in the regular Book of Estimates this year.

The CHAIRMAN (Mr. OLMSTED). The act specifically provides that the President, upon approval of such report, shall authorize the purchase of such a site and the establishment of such naval training station. The Chair understands from the chairman of the Naval Committee that the President approved the report, that the site had been secured, and the naval training station established. The paragraph in question appropriates for the maintenance of that naval training station, and the Chair is constrained, therefore, to hold that it is in order.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the paragraph, and on that I desire to be heard. Members, upon consulting the report of the Committee on Naval Affairs, will observe that it recommends that an appropriation of \$750,000 be made toward improvements contemplated upon the site of the naval training station at Lake Bluff, and declares that an eventual expenditure of \$2,000,000 will be necessary for the completion of buildings and other improvements. This proposed large expenditure in and of itself alone makes this paragraph of importance.

I now ask the attention of Members of the House to another matter of great importance in connection with this proposed appropriation. On the 17th of October last the Chicago Tribune, one of the great newspapers of the country—I think that it is not indulging in superlatives to say one of the great newspapers of the world—contained, on the front page, an article concerning the Lake Bluff site, which I will read. Lake Bluff is located about 30 miles from the city of Chicago. The article is headed: "New war on naval school—Senator ALGER reopens fight on the Lake Bluff site—Claims water is polluted—State board of health aids at request of Lake Forest."

Before reading the article I wish to remind Members that Lake Forest is on the shore of Lake Michigan, about 6 miles south of the city of Waukegan, and that between these two cities is Lake Bluff. It must be borne in mind also that in the Government's published request for proposals for sites, one of the requirements was that the site should have a bathing beach.

The Tribune article is as follows:

#### ALGER STARTS THE CRUSADE.

Senator ALGER visited Lake Forest last summer, and learned from Doctor Haven, the health officer of Lake Forest, of the sanitary agitation that was being carried on in an effort to secure relief from the polluted waters incident to the tannery at Kenosha and the glucose factory at Waukegan, and in company with Doctor Haven made an automobile trip to Lake Bluff, and found from the engineering staff there that similar sanitary conditions existed. It was supposed at the time that Senator ALGER was merely a summer visitor at Lake Forest, but in view of recent developments it is thought that his real object was to learn the truth of the rumors regarding bad sanitary conditions at Lake Bluff, and to use his influence to secure a reopening of the question of the location of the site when the next Congress convenes.

#### APPEAL TO BOARD OF HEALTH.

It seems that the pollution of the waters of Lake Michigan has been a source of great annoyance to the residents of Lake Forest for many months. Recently a number of residents employed the legal firm of Scott, Bancroft, Lord & Stevens to take the matter up and secure what relief they could in the premises.

This firm had an analysis made of the water in question by Professor Long, of Northwestern University, also a chemist for the Illinois State board of health, which confirmed the contentions of the residents of Lake Forest regarding the discoloration of the water, its polluted condition, and the noxious odors.

The next action of the attorneys was to appeal to the State board of health. As a result of the appeal, Dr. E. F. Baker, of Jacksonville, special officer of the State board of health, went to Lake Forest last Saturday and spent two days there. He also visited Lake Bluff. His report was filed with Doctor Egan, head of the State board of health, and shows the contention to be practically as shown by the analysis of Professor Long.

Doctor Baker stated that the polluted conditions existed and that they undoubtedly were caused by the immense quantities of sewage and refuse matter dumped into Lake Michigan by the cities above Lake Forest within a distance of 25 or 30 miles.

The glucose factory at Waukegan dumps into the lake from their plant an average of over 9,000,000 gallons of refuse a day. A percentage of the refuse is gluten, and from this substance gases are given off, forming the noxious odors complained of by the residents of Lake Forest. The tannery located at Kenosha is one of the largest in the world, and large quantities of refuse from this source is a serious factor in the polluted conditions.

Then follows a statement of Doctor Haven, health officer of Lake Forest, 2 miles farther south of Waukegan than is Lake Bluff, in which he says that there is nothing the matter with the water and that there is no objection to the location of the naval training school there. But this statement does not answer the plain facts set forth in the official report of the chemist of the State board of health of Illinois—

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that he may proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Nor does the statement of the Lake Forest physician at all meet the analysis made by Professor Long, of the Northwestern University. But even Doctor Haven himself says:

It is true that the water sometimes emits an unpleasant odor, caused by the organic deposits thrown into it from the glucose factory at Waukegan. At times when there is a northeast wind we can smell those glucose deposits, but they are not injurious to the health, and the people living along the shore get along notwithstanding the odor.

That may be, but is it possible that the young men at the proposed naval training school will enjoy bathing in water so polluted and foul smelling that the people of Lake Forest employed lawyers and called upon the State board of health to secure relief from the nuisance?

It will be said that two boards have decided in favor of Lake Bluff. Two years ago, in the debate here, I said that the first board never made what could be called an "inspection" of the site near my home at Racine and that the senior member of the first board never visited that site at all. This statement of mine was contradicted by a letter written by a member of that board, which was read to the House. Not expecting to hear any such extraordinary statement as was contained in that letter, I was then unprepared with written or documentary evidence to reply to it. I am now prepared to demonstrate the truth of what I then asserted as to the alleged visits of the first board. This may not be entirely germane at the present time, but nevertheless it shows how this thing has been done, and is therefore instructive. It is admitted by everybody that the first board came to Racine only on August 4 and October 31, 1902—two visits only.

I now reiterate my statement that they did not on their first visit go within a mile and a half of the Racine site, and I have here now the documentary proof to establish my contention.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask that I may have fifteen minutes in which to conclude. It is a matter of importance, I think, to the committee that they should know the facts in connection with the selection of the site at Lake Bluff.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] asks that he may have fifteen minutes in which to conclude his remarks. Is there objection?

There was no objection.

Mr. RIXEY. I would like to ask the gentleman a question.

Mr. COOPER of Wisconsin. Will the gentleman allow me to conclude my statement? Then I think there will be opportunity for questions.

Mr. RIXEY. Does not the gentleman consider that this ques-

tion of the site is closed? That is the whole question, as I understand it. Now, when this matter was up a year ago—

Mr. COOPER of Wisconsin. I understand. You have asked the question. I do not think that it ought to be deemed closed, in view of the fact that the State board of health has been examining the water there through their official chemist and find it polluted by the great amount of sewage dumped into the lake by the glucose factory at Waukegan and by the large tanneries at Kenosha, the odor being so vile that the people of Lake Forest made formal complaint.

Mr. Chairman, on August 17, 1902, I wrote this letter to Admiral Taylor. I read from page 198 of the copy book:

I am in receipt of your letter. As I wrote you in my last letter, I hope very much that your board will not fail again to visit Kenosha and Racine. Your previous visits were too brief to permit of anything like an examination. This is especially true of the site at Racine. *You will recall that your board did not go nearer than a mile and a half to the proposed site in this city on North Point.*

Mr. LILLEY of Connecticut. May I ask the gentleman a question?

Mr. COOPER of Wisconsin. Yes.

Mr. LILLEY of Connecticut. Has the gentleman received a reply to that letter?

Mr. COOPER of Wisconsin. They never replied to it.

Mr. LILLEY of Connecticut. Then how does the gentleman know that they did not go within a mile and a half?

Mr. COOPER of Wisconsin. They made only two visits to Racine, and both times I was with them constantly from their arrival until their departure. On the first visit we stopped a mile and a half from the site because it was so late in the day, the board promising to come again and make a thorough examination of the site.

Mr. LILLEY of Connecticut. They never admitted that they had not been within a mile and a half of the site?

Mr. COOPER of Wisconsin. Is it possible that so soon after that first visit I would write a letter like this, and embody in it a deliberate falsehood about their failure to go to the site at North Point?

Mr. LILLEY of Connecticut. How does the gentleman know they had not been within a mile and a half of it?

Mr. COOPER of Wisconsin. Because the first board made only two visits to Racine—one on August 4 and one on October 31. Everybody admits that.

Mr. LILLEY of Connecticut. Do they say in those statements that they did not visit these points that the gentleman speaks of?

Mr. COOPER of Wisconsin. Why, one of the board says that they made a visit to a site in Racine in August. As a matter of fact, we went simply to the foot of High Street and stopped a mile and a half from North Point site.

Mr. LILLEY of Connecticut. The question occurred to me, that might possibly occur to other members of the committee, that the gentleman might be mistaken.

Mr. COOPER of Wisconsin. It is not possible for me to be mistaken at all, as the gentleman can see and as I shall demonstrate.

Mr. LILLEY of Connecticut. It is possible for the gentleman to be mistaken.

Mr. COOPER of Wisconsin. I was with them all of the time on both visits. I met them there and went with them. They notified me that they were coming. The proof of the truth of my statement is here. Besides my letters I have affidavits of business men of Racine.

Mr. LILLEY of Connecticut. There was afterwards another commission, was there not?

Mr. COOPER of Wisconsin. If the gentleman is referring to the second board, he is talking about another and entirely different subject.

Mr. LILLEY of Connecticut. There was another commission that visited there?

Mr. COOPER of Wisconsin. Yes; and I will speak of them a little later. I wish now to present the evidence concerning the visits of the first board.

In support of my statement I shall offer two kinds of evidence, namely: First, my letter written to the board immediately after their respective visits to Racine; second, affidavits of members of the citizens' committee who accompanied the board during these visits.

I have here my letter-press book containing copies of all letters dictated by me from July 5, 1902, to November 26, 1902. On page 198 of this book I find a letter dated August 17—two weeks after the first visit of the board. This letter shows conclusively that the board did not visit any site in or near the city of Racine on August 4, 1902.

RACINE, WIS., August 17, 1902.

Admiral H. C. TAYLOR, United States Navy,  
Navy Department, Washington, D. C.

MY DEAR SIR: I am in receipt of your Cleveland letter of the 14th instant.

As I wrote you in my last letter, I hope very much that your board will not fail again to visit Kenosha and Racine. Your previous visits were too brief to permit of anything like a thorough examination of the sites. This is especially true of the site at Racine.

*You will recall that your board did not go nearer than a mile and a half to the proposed site in this city, on North Point.*

The House will observe that in this letter I spoke of "the site at Racine," and of "the proposed site in this city, on North Point," thus showing clearly that there was then only one site—the site at North Point—which that city had to offer. And not only did I speak of this site, but I took occasion in this letter to remind the board that during their visit of August 4 they had not been nearer than a mile and a half of it.

The whole letter is as follows:

RACINE, WIS., August 17, 1902.

Admiral H. C. TAYLOR, U. S. N.,  
Navy Department, Washington, D. C.

MY DEAR SIR: I am in receipt of your Cleveland letter of the 14th instant.

As I wrote you in my last letter, I hope very much that your board will not fail again to visit Kenosha and Racine. Your previous visits were too brief to permit of anything like a thorough examination of the sites. This is especially true of the site at Racine. *You will recall that your board did not go nearer than a mile and a half to the proposed site in this city on North Point.* This site is a peninsula from one-half to three-quarters of a mile in width, projecting into the lake about 1 mile, and forming a bay perfectly protected from northeast storms—the only severe storms of this locality. The ground is all level and from 30 to 50 feet above the lake, excepting a ravine and a slough, which can be easily converted into a commodious harbor. The site is also a short distance from the main line of the Northwestern Railroad between Chicago and Milwaukee.

While your board made a more thorough examination of the Kenosha site, I am sure that the people of that city will be much pleased to have you make another and more complete inspection of it. As requested in your letter, I will be pleased to convey your message to the mayors and committees on sites of the respective cities.

Hoping that you will not fail again to visit Racine and Kenosha,  
I am, very respectfully,

H. A. COOPER, M. C.,  
First District of Wisconsin.

A little later, under date of September 5, 1902, I wrote the board another letter, a copy of which is found on page 241 of this letter-press book. This letter constitutes absolutely conclusive evidence that the board did not inspect any site at Racine on their visit of August 4, 1902. In this letter I distinctly reminded the board that there were only two sites in my Congressional district, one at Racine and the other at Kenosha, and that the board had "not as yet made any inspection of the site at Racine."

The letter is as follows:

RACINE, WIS., September 5, 1902.

Admiral H. C. TAYLOR, U. S. N.,  
Navy Department, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your communication of August 27.

I note with pleasure the statement that your board expects to complete its preliminary examination of sites some time during the present month of September, and that it will be pleased to make a personal examination of any sites suggested by me. In this connection I desire to say that there are but two sites in my district—one at Racine and the other at Kenosha. Either of these would make an admirable location for the Great Lakes naval training station. Your board made a partial examination of the Kenosha site, but has not as yet made any inspection of the site at Racine. As you will recall, these two sites are but 10 miles apart. Permit me, therefore, to urge that your board visit both of them on your September visit.

I shall be greatly obliged if in reply to this you will kindly inform me as to when your board will visit this locality.

Awaiting your reply, I am, very respectfully,

H. A. COOPER, M. C.,  
First District of Wisconsin.

Mr. Chairman, the board did not again visit Racine until October 31, 1902. Only four days later (November 4, 1902) I wrote the board another letter, a copy of which appears on page 425 of this letter-press book.

In this letter I reminded the president of the board that he had never personally made an examination of the North Point site, and distinctly informed him that the two other members of the board on their visit of October 31, 1902, arrived at so late an hour as to make it impossible for them to see the site by daylight.

The letter reads as follows:

RACINE, WIS., November 4, 1902.

Admiral H. C. TAYLOR, United States Navy,  
Navy Department, Washington, D. C.

SIR: Permit me to say an additional word concerning the site for the naval training station.

Your full board has already visited the fine site at Kenosha, and two of your members have made a second visit. I shall not, therefore, refer to it in detail at this time. Inasmuch, however, as you personally have never made an examination of the North Point site near this city, I desire now to call attention to its very great merits.

It is to be regretted that Lieutenant-Commander Winslow and Engineer Rousseau on their visit here last week arrived at so late an hour (4.30 p. m.) as to make it impossible for them to see the site by daylight. It was after 5 o'clock before we arrived on the ground, too late to make a satisfactory inspection.

The North Point site can not be excelled anywhere. The ground is from 30 to 35 feet above the lake, very fertile, generally level, and in every way peculiarly adapted to the requirements of the proposed naval training station. There is ample opportunity to make a harbor, which could be easily kept in good condition. The fine harbor of the city of

Racine, with a channel depth of 21 feet, is also available. Without great expense the site could easily be made an island by dredging the ravine which extends across the point. There is a beautiful beach more than a mile in length. The point itself furnishes absolutely perfect protection from northeast storms, the only troublesome storms in this section. From the north side of the site Milwaukee is visible, 20 miles away, and from the south side there is a fine view of the bay and harbor of the city of Racine.

This shore of Lake Michigan has the lowest death rate of any portion of the United States, and it would be impossible to find a more healthful locality than North Point.

Located between Chicago and Milwaukee, the site is near the center of a great population, to which it is easily accessible.

In locality, eligibility, healthfulness, and every other essential the site at North Point is ideal.

I have the honor to remain, very respectfully,

H. A. COOPER, M. C.,  
First District of Wisconsin.

Mr. Chairman, these letters were written when the incidents were fresh in my mind, and at a time when there was no thought of the controversy which has arisen.

But, Mr. Chairman, in addition to these letters I have affidavits which I desire to present. I secured these affidavits in this way: Two years ago, immediately after the gentleman from Illinois read the letter from the member of the board, I mailed a copy of it to Mr. R. M. Boyd, one of the committee of citizens who accompanied the board during its visits to Racine, together with a letter from myself requesting him to forward me affidavits of the members of the committee setting forth the facts as to these visits. I will insert in the RECORD a copy of my letter to Mr. Boyd, although it would have been in somewhat different form if originally intended for publication. In it there is no suggestion of what I had said during the debate, but only a request for affidavits showing the exact facts.

My letter to Mr. Boyd is as follows:

FEBRUARY 24, 1904.

Mr. R. M. BOYD, Racine, Wis.

MY DEAR MR. BOYD: Before this reaches you you will know of the two days' fight in the House and of the defeat of the naval-training-school proposition.

I never was more astonished in a debate than when to-day Mr. Foss read a letter written by Commander Winslow, saying that on the first visit of the board (August 4, 1902) they were met at the station in Racine and proceeded in carriages to examine a site a short distance north of the city; that the board inspected this site and afterwards returned to the city and to the railway station. They say that the site at North Point was not presented to the board except in a casual way, and therefore they only visited the site which the committee had to offer.

Did you ever hear of anything to surpass that? I can not imagine how Winslow came to make such a statement. I herewith inclose a copy of the Winslow letter above referred to.

I wish that you would get an affidavit from each man who was with the escort party on that day, setting forth the exact facts as to where the board were driven and how near they came to reaching either of the proposed sites. Have each affiant give his business and state his official position, either the one he at present occupies or the one he occupied on the day of the visit. Have these affidavits made before a notary public, who shall affix his seal to each one of them, or before a judge or some other court officer having a seal. Have each affidavit cover the necessary points, and send to me by earliest possible mail.

Please show this letter to Mr. Walker and other interested friends. I prefer that it shall not be made public until after I have presented the affidavits.

Very truly, yours,

H. A. COOPER.

A few days after mailing this letter I received an affidavit of each member of the citizens' committee. One of the affiants is Hon. Michael Higgins, a leading manufacturer of my city, who was at that time its mayor. Other affiants are W. A. Walker and R. M. Boyd, for the last thirty years citizens of Racine and prominently identified with its business interests. Another affiant is Mr. Henry J. Schroff, now and for several years past city clerk in the city of Racine.

Mayor Higgins accompanied the board on only its first visit, August 4, 1902. In his affidavit he swears that the board, accompanied by the citizens' committee, were driven to the lake shore at High street; that no naval training station site was offered to the board in that vicinity; but that while standing there on the bank North Point was pointed out and the statement made that on the south side of it there was a large slough or creek where a splendid harbor could be secured with comparatively little cost.

He swears that the board declined to drive up there, a distance of about 2 miles from where they then stood, assigning as a reason that they had not sufficient time. He adds that they remained at that place a few minutes and were then driven back to the railway station. He also swears that at the first visit of the board to Racine there was positively no site inspected or visited by the board, as the point where they stopped is in a densely populated portion of the city, and that no site was mentioned to them except the North Point site.

The affidavit of Mayor Higgins is as follows:

HIGGINS SPRING AND AXLE COMPANY,  
MANUFACTURERS OF WAGON AND CARRIAGE SPRINGS AND AXLES,  
Racine, Wis., February 25, 1904.

M. Higgins, jr., being first duly sworn, deposes and says that in the year 1902 he was mayor of the city of Racine, and that on or about the 4th day of August, 1902, he was informed by Mr. Lloyd, agent for the

Chicago and Northwestern Railway Company in this city, that the board for the selection of a site for a naval training station on the Great Lakes was on their line of road and would reach the city of Racine along in the afternoon and would stop off here for a short time if desired to do so. The board arrived at the Chicago and Northwestern depot during the afternoon, was met there by carriages and driven over to Hotel Racine, where they were introduced to myself and to a number of other persons.

That after a few moments conversation a member of the board made the statement that they were limited for time and had but a very short time, possibly thirty minutes, to remain in the city, and that while here they desired to obtain as much information as possible in reference to our harbor and harbor facilities.

That the board, together with several citizens, including Congressman H. A. Cooper, entered the carriages and were driven up North Main street to High street and from there east to the lake bank, from which point a splendid view of Racine Bay and Harbor can be obtained. There was no naval training station offered to them at that point, but while standing there North Point was pointed out to them and the statement made that at the south side of the point there was a large slough or creek entering the lake, known locally as "Duck Creek," where a splendid harbor could be obtained with comparatively small cost.

The board declined to drive up there, a distance of about 2 miles from where we stood, assigning as the reason that they had not sufficient time. We remained at that point possibly from ten to fifteen minutes. The board was then driven back to the Chicago and Northwestern depot by the way of High street and Milwaukee road. That at the first visit of the board to this city there was positively no site inspected nor visited by the board, as the point where we stopped is in a densely populated portion of the city and no site was mentioned to them except the North Point site.

Upon the visit of the board at a later period, I believe some time in October, I was absent from the city.

MICHAEL HIGGINS, JR., Es-Mayor.

Subscribed and sworn to before me this 26th of February, 1904.

[SEAL.]

R. M. BOYD, Notary Public.

Notarial commission expires August 15, 1904.

In Mr. Walker's affidavit he swears that on the first visit of the board they were met at the station and driven to Hotel Racine; proceeded from the hotel to the east end of High street, where the entire company left the carriages and walked to the edge of the bluff to view Racine Harbor and the bay lying between the harbor and North Point. He adds that a distinct statement was made by Admiral Taylor that he could not allow Racine but one-half an hour. He says that the board alighted from their carriages at the end of High street, where there was no possible location for a naval training station; that that vicinity was never suggested as a site, and that the visit of the board to the place where they alighted from the carriages was only for the purpose of getting a view of the harbor and the general surroundings, it being understood that one-half an hour was all the time they could give Racine and that it would be impossible for them to visit North Point at that time.

He adds, however, that a promise was then made that the board would visit the proposed site at their earliest possible convenience. Mr. Walker swears that on their second visit—October 31—the board was met at the railway station at about 4.30 p. m. and driven to North Point. He says that before starting the gentlemen of the receiving party took out their watches, expressed the opinion that it would be impossible to reach the site before dusk, and asked if the board could not await a more favorable opportunity to visit it, to which they replied that it would not be possible for them to come again. Mr. Walker says that under these unfavorable conditions the party drove as rapidly as possible to North Point, arriving after the lights had been lit in the farm-houses.

The affidavit of Mr. Walker is as follows:

RACINE, WIS., February 26, 1904.

To whom it may concern:

I, W. A. Walker, a citizen of Racine for the past thirty years, at present and for twenty years past have been a manufacturer, hereby certify that as a member of the Racine Business Men's Association, I, with the mayor, city clerk, and others, met Rear-Admiral Taylor, Commander C. McK. Winslow, and Civil Engineer H. H. Rousseau, as representatives of the United States Navy, constituting an examining board for the purpose of selecting a site for the proposed naval station on the Great Lakes, on or about August 4, 1902. The said naval committee were met at the Chicago Northwestern Railway station with carriages and driven to the Hotel Racine and proceeded from the hotel to the north side of Racine, at the east end of High street, where the entire party got out of the carriages, walked to the edge of the bluff, and viewed the Racine Harbor and the beautiful bay lying between the harbor and Wind Point; that the distinct statement was made by Admiral Taylor that he could not allow us but one-half hour at that time, and in view of that fact a member of our committee pointed out our proposed site at Wind Point, stating that there was a small stream entering the lake on the south side of said site, which was splendidly protected from all of the heavy storms, and that this location at Wind Point was the only site for the proposed naval station that we had to offer at Racine, so far as I know. Where the committee alighted from the carriages, at the end of High street, there was no suitable location for a naval station; it was never suggested as such, and the visit of the committee to the place where we did alight from the carriages was solely for the purpose of getting a view of the harbor and the general surroundings, it being distinctly understood that one-half hour was all the time they could give us on that first visit and it would be impossible for the committee to visit Wind Point at that time, a promise, however, being made that they would visit our proposed site at their earliest possible convenience.

I also state that on the second visit of two members of the committee, Commander C. McK. Winslow and Chief Engineer H. H. Rousseau, about

October 31, 1902, they were met at the Northwestern Railway station at about 4.30 p. m. by a committee and driven direct from the station to Wind Point. At that time Hon. H. A. COOPER, M. C.; W. H. Kranz, president of our Business Men's Association; myself, and other persons present, took out our watches and expressed the opinion that as the proposed site was 3 miles from the station, it would be impossible to arrive on the grounds before dusk, and asked if the committee could give us a more favorable opportunity to show them the proposed site, to which they replied that they did not think that it was possible for them to call again; that therefore, under these unfavorable conditions, we drove as fast as possible to the proposed site, and arrived after the lights had been lit in the farmhouses.

After this very meager examination by the board of our proposed site, the Business Men's Association felt that sufficient information was not in the hands of the committee, and therefore, at a very great expense, engineers were sent to Wind Point, and also photographers, and by photographs, maps, and drawings our Business Men's Association has endeavored to place before the naval board information that we believed necessary to prove that Wind Point and the beautiful bay lying between the Racine Harbor and Wind Point was the best possible site for the proposed naval training station on the west shore of Lake Michigan. The above statements are true and correct.

Respectfully submitted.

WILLIAM ALLEN WALKER.

STATE OF WISCONSIN,  
County of Racine, ss:

Subscribed and sworn to before me this — day of February, 1904, by William A. Walker, who states upon oath that all of the within statements are correct and true.

C. R. CARPENTER,  
Notary Public, Wisconsin.

Mr. Boyd in his affidavit swears that Admiral Taylor informed the receiving party that the board had only about thirty minutes to spend at Racine on August 4; that they were driven to the lake shore at the east end of High street, and that while standing there he (Mr. Boyd) called the attention of Admiral Taylor to North Point; that the board declined to drive to the point, which was about 1½ miles distant, assigning as a reason that they had not sufficient time, but adding that they would return later in the season and devote as much time as necessary to make a complete investigation of the site. Mr. Boyd swears that on their first visit to Racine the board inspected no site, and that there was no site offered except only the North Point site. He adds that there was positively no site offered or inspected at the point on the lake shore where the board stopped, as it is in a thickly settled portion of the city.

Mr. Boyd swears that when he mentioned the North Point site to Admiral Taylor the latter called the attention of Engineer Rousseau, the recorder of the board, to the statement which he (Mr. Boyd) had made, and requested Rousseau to make a memorandum of the same, promising to devote ample time for an inspection of the site when the board returned later in the season. Mr. Boyd swears that on their second visit (October 31) the board did not reach the station until 4.30 o'clock in the afternoon, when they were informed that because of the lateness of their arrival it would be impossible to reach North Point and thoroughly inspect the site on that day; that the board were invited to remain at the hotel overnight and make an inspection in the morning; that they declined to do this for the reason that they were traveling on schedule time and were to inspect a site at Sheboygan early the next morning; that thereupon, as fast as possible, the drive was made to North Point, but that when the board arrived there the lamps were lighted in the farmhouses.

Mr. Boyd swears that it was upon this occasion that he called the attention of the board to another possible site lying east of the highway on which the party traveled going to North Point, and beginning about three-quarters of a mile north of the city limits; that the members of the board did not stop or alight from their carriages and inspect the site, but merely looked at it as they drove along the road. It is known in their report as "North Point Site B." Mr. Boyd swears that this was the only time (October 31, 1902) that the attention of the board was called to this site, except through correspondence. As I have before said, Mr. Chairman, it is also a fact that this "Site B" was never seriously considered.

The affidavit of Mr. Boyd is as follows:

STATE OF WISCONSIN, Racine County, ss:

I, R. M. Boyd, the undersigned, being first duly sworn, on oath state that for more than thirty years past I have been a resident of the city of Racine and State of Wisconsin and that for the past ten years I have been engaged in the real estate and insurance business in this city. On or about the 4th day of August, 1902, I met in front of my office Hon. M. Higgins, Jr., then mayor of this city, and Henry J. Schreff, city clerk. They stated to me that the board created for the purpose of selecting a site for a naval training station on the Great Lakes would arrive at Hotel Racine in a few moments; that carriages were then over at the station for them. In about five minutes the carriages drove up, containing Admiral H. C. Taylor, Lieut. Commander Winslow, Civil Engineer H. H. Rousseau, and, I think, a Captain Young, together with W. H. Kranz, president of the Business Men's Association of this city, and Mr. Lloyd, agent for the Chicago and Northwestern Railway. The parties alighted, but did not go into the hotel. They were introduced to his honor the mayor, City Clerk Schreff, and myself, and about this time we were joined by Congressman H. A. COOPER and Clarence Snyder, of this city, who had just returned from Kenosha. After chatting

a few moments on general subjects, the question came up as to how much time could be devoted to Racine.

I think that the remark was made by Admiral Taylor that they had only about thirty minutes to spend here, and that he would like to get a definite idea of our harbor and harbor facilities. The party then entered the carriages and was driven up North Main street to High and from High street east to the lake shore, from which point a splendid view of Racine Bay and harbor may be obtained. While standing there I pointed out to Admiral Taylor North Point, and called his attention to the fact that on the south side of the point there was a large slough or creek which empties into the lake and where a splendid inland harbor could be constructed at a comparatively small cost. The party declined to drive up there, which was about a mile and a half distant, and inspect the premises, assigning as a reason that they had not sufficient time, but that they would return later in the season and devote as much time as was necessary in order to make a complete and thorough investigation of the site. On their first trip to this city there was no site inspected, and there was no site mentioned or offered excepting the "North Point" site. There positively was no site offered or inspected at the point where we stopped, it being in a thickly settled portion of the city. When I mentioned the North Point site to Admiral Taylor, he called the attention of H. H. Rousseau, the recorder of the board, to the statements which I had made and requested him to make a memorandum of the same, and promised to devote ample time for the inspection of the site when they returned later in the season.

On the 31st day of October, 1902, I received the following telegram from Lake Forest, Ill.: "R. M. Boyd: Naval Training Station board will reach Racine about 3 o'clock to-day." We had carriages waiting at the Northwestern Depot at 3 o'clock. The members of the board were detained, and my recollection is did not reach the Northwestern Depot until about 4.30. It was represented to them that on account of the lateness of their arrival it would be impossible to reach the site at North Point and thoroughly inspect it, and they were requested to come over to the hotel, remain all night, and make the inspection the next morning. They declined to do so absolutely, for the reason that they were traveling on schedule time and must be in Sheboygan that night; that they were to inspect a site at Sheboygan early the next morning and leave for some other destination. The drive was made to North Point as fast as could possibly be done. When we arrived there the lamps were lighted in the farmhouses. We stopped a moment at the bridge that crosses the creek or slough on the south line of North Point, and then proceeded up to a point a little north of the light-house, and then drove on the highway to a point nearly to the west line of the proposed site. Turning there, we retraced our steps and returned to the city.

From a point near the light-house the electric lights in the city and the harbor lights were plainly visible. Upon this occasion I called the attention of the board to a site lying east of the highway on which we traveled going to North Point and beginning about three-quarters of a mile north of the city limits, and extending up to what is known as the "Three-mile road." The members of the board did not stop or alight from the carriages to inspect this site, but looked at it as they drove along the highway. It is known on their report as "North Point Site B." On this occasion is the only time that the attention of the board was called to that site, except through correspondence.

R. M. BOYD.

Subscribed and sworn to before me this 26th day of February, A. D. 1904.

ESTELLE J. GLASS,  
Notary Public, Racine County, Wis.

My commission expires February 4, 1906.

City Clerk Henry J. Schreff swears that on August 4, 1902, he was a member of the committee which accompanied the board to the lake bank at the east end of High street, from which point the site recommended to the board by the committee was pointed out as lying just west of North Point light-house; that no other site than the North Point site was referred to or recommended on that day; that after a few minutes spent in conversation the board were driven to the station, and that, to the best of his belief, not more than forty-five minutes were consumed from the arrival of the board in Racine until their departure. Mr. Schreff swears that on their second visit, the board being late in arriving, they were informed by the citizens' committee that to visit the site at such an hour would be doing injustice to it and to the citizens of Racine; that the board were invited to remain over night and view the site by daylight, but informed the citizens' committee that it would be impossible for them to do so, as they had to be in Milwaukee that evening to leave for some point farther north. Mr. Schreff adds that the board were then driven to North Point as speedily as possible, but arrived there when it was too dark to make an inspection of the site.

The affidavit of Mr. Schreff is as follows:

CITY CLERK'S OFFICE,  
Racine, Wis., February 25, 1904.

STATE OF WISCONSIN, Racine County, ss:

Henry J. Schreff, city clerk of the city of Racine, deposes and says that on or about August 4, 1902, he was one of the said officers which received the committee which was appointed by the naval board to select a site for a naval training school on the west shore of Lake Michigan, said committee being composed of Admiral Taylor, Lieutenant-Commander Winslow, and H. H. Rousseau.

The said committee on their arrival were taken in carriages from Hotel Racine across Main Street Bridge, up North Main street to High street, east on High street to the lake bank, from which point they viewed the Racine Harbor, and the site recommended to the board by the citizens' committee was pointed out to them as lying just west of Wind Point light-house. No other site than the one referred to was recommended outside of the one just mentioned. That possibly ten or fifteen minutes were spent in conversation, after which the visiting party were taken west on High street, south on Milwaukee avenue, west on State street to the Northwestern Depot, where the citizens' committee bade farewell to the visiting committee, and were promised that said board would return to Racine at a later date and give the proposition a thorough consideration. That to the best of my belief no

more than forty-five minutes were consumed from the time the said committee arrived until their departure.

That on the second visit the committee were several hours late in arriving, and were informed by the citizens' committee that to go and view the site at so late an hour in the day would be doing an injustice to the site proposed and to the citizens of Racine. They were requested to remain over night and view the site in daylight. The citizens' committee, however, were informed that that would be impossible, as the said visiting committee must be in Milwaukee that evening to leave for some point farther north.

Under these conditions the citizens' committee with the visiting committee drove out to North Point, and the trip was made as speedily as the horses could possibly make it. The horses were of a superior quality to those usually found in a first-class livery stable. In this respect there was no time lost.

It was too dark to see sufficiently to do justice to the citizens of Racine or the committee appointed to select a naval training school site for the United States Government.

HENRY J. SCHROFF, *City Clerk.*

Subscribed and sworn to before me this 26th day of February, 1904.  
[SEAL.] WM. H. ARMSTRONG,  
*Notary Public.*

*Clerk Municipal Court Racine County, Notary Public.*

Mr. Chairman, there is one other bit of evidence of great significance to which I wish now to refer. It is a letter indicating with certainty that the board had selected the Lake Bluff site before it made its second visit to Racine. I have here a copy of the letter which was written by the president of the board on October 24, 1902, one week prior to their last visit to Racine. I procured it at the United States Geological Survey.

The letter is as follows:

BOARD OF GREAT LAKES NAVAL TRAINING STATION,  
NAVY DEPARTMENT ANNEX,  
Washington, D. C., October 24, 1902.

SIR: I have the honor to inclose a copy of the board's letter, No. 275, of September 29, to the Department, and of a letter from the Comptroller of the Treasury of August 15, forwarded with the Department's first indorsement of October 17; and, with the Department's approval, to request that the authority of the honorable the Secretary of the Interior be asked for the United States Geological Survey to make, if convenient, a topographical survey of a tract of land about 360 acres, south of Waukegan, Ill., shown on the inclosed blueprint, and referred to in the inclosed letters, all expenses in connection therewith to be defrayed by the Navy Department from the special appropriation at its disposal for this purpose, and in the method outlined in the inclosed letter, if the latter is approved by the Department. The survey is desired as soon as possible. Five-foot contours should be shown on the map, which should be drawn on a scale of not less than 500 feet to an inch. The cleared and wooded portions should be distinguished, and it is also desired to have the map show the location of the 10, 20, and 30 foot contours below the level of the lake surface in front of this property.

Very respectfully,

H. C. TAYLOR,

*Rear-Admiral, United States Navy, Senior Member of Board.*

THE SECRETARY OF THE NAVY,  
NAVY DEPARTMENT.

The request contained in this letter was complied with. Experts from the Office of the Geological Survey made a topographical survey of the Lake Bluff site. This survey was drawn to a scale, and showed contours of the site and of those below the level of the lake surface in front of it, the clear and wooded portions, and all other details. It was not an ordinary survey, but a topographical survey made by Government experts. These experts informed me that it was the only survey made by that Office upon the request of this board.

Mr. Chairman, there is only one conclusion to be drawn from this letter and the making of this survey, and that is that the Lake Bluff site had been selected at least one week before the board last visited the city of Racine. Concerning this I have no further comments to make.

So much for the first board. Congress directed that another board be appointed. This board visited the various sites. Afterwards it had a hearing in this city, at which it was announced that the Lake Bluff site, about 170 acres, would be donated to the Government. If they believed that Lake Bluff was the best site, why was it necessary to give it to the Government? The Government had appropriated the money to buy what it wanted. Why not submit to a fair competition? That second board told us repeatedly at Racine that they wanted from 350 to 500 acres. They took 170 acres. The station must eventually have more land, and the people who have it to sell will get what they ask. Who donated this site? Only last week one of the daily papers in my city contained an item about the annual report of the Chicago and Milwaukee Electric Railroad, from which I read as follows:

It is interesting to know that the railroad company gave \$25,000 toward the purchase of the site for the Naval Training Station in North Chicago, a fact which up to this time has never been made public.

I knew nothing about Senator ALGER being down there. I had only a short time before returned from a trip to the Orient when I read this Tribune article. I have since conversed with the Senator, and he has told me of his being in Lake Forest and going to Lake Bluff. He declared that the odor from the lake at Lake Bluff and at Lake Forest was exceedingly disagreeable during his visits.

I wish to call attention to the fact that one of the original specifications was that the site should be capable of being easily isolated, and also that it should not be in a manufacturing district. This site can not be isolated at all. The north line of it joins the south line of North Chicago, a suburb devoted largely to manufacturers and that more and more will be a manufacturing district. There is no possible way to isolate the Lake Bluff site.

The new board has selected Lake Bluff. Instead of its being bought with the money appropriated by Congress, certain people, including an electric railroad company, presented it to the Government. Though only 170 acres, it cost a good deal more than a hundred thousand dollars. I do not know how much, but the query that naturally comes to a disinterested man is, Why, if Lake Bluff is such a superior site, was it necessary to make a donation of it to the United States Government?

Mr. VREELAND. I only desire to use two or three minutes in referring to the matter now before the committee. We all admire a good fighter, and I am sure my friend from Wisconsin [Mr. COOPER] has shown that he belongs in the front row of that class. A good many Members of the House at present were not in the last Congress and are not familiar with the controversy which has existed in relation to this matter for the last few years. Several years ago Congress determined that it ought to have a naval training station upon the Great Lakes. We had one in Rhode Island; we had a small one down the coast. We found that we were getting the best material for the Navy from the Middle States of the great West. It was decided by Congress that we should have a naval station somewhere upon the chain of Great Lakes. The gentlemen will see at a glance that there would be many places competing for the establishment of the plant. I suppose there were eight or ten, and perhaps more, places brought to the attention of the Navy Department as suitable sites for this training station. I offered one, lying upon the shores of Lake Erie, in the district which I have the honor to represent; I think the very best site in the lot; and if the question is to be reopened I want to call attention again to the merits of that place.

A commission was appointed in the regular way by the Secretary of the Navy to look over the different sites and determine which was the best one for the Government to purchase. They decided that the site at Lake Bluff, all things considered, was the best one to buy.

They reported back to the Secretary of the Navy, and the report was approved and the matter came before Congress. It was brought here by those interested in some of the other sites. Congress, after a full hearing in the matter, decided that a new board should be appointed and that the matter should be gone over again. So a new board was appointed, and again the board of officers, presumably impartial, presumably interested as much as we in the welfare of the United States and its Navy, again decided that this site at Lake Bluff was the best one offered for this purpose.

The people of Chicago contributed the land, worth nearly \$200,000. The Government of the United States has taken title to the property and a commandant has been appointed there. In the naval bill of last year we find the same appropriation of \$20,000 for maintenance that we find in this bill. It would seem to me, Mr. Chairman, that it is a closed incident as far as the location is concerned.

It seems to me that all that is left to the gentleman from Wisconsin is the time-honored right of every citizen of the United States that when the verdict goes against him he has a right to swear at the court. [Laughter.]

Mr. COOPER of Wisconsin. Will the gentleman from New York permit a question?

Mr. VREELAND. Certainly.

Mr. COOPER of Wisconsin. What does the gentleman think of the report in the Chicago Tribune of the official investigation by the State board of health, and Professor Long, of the Northwestern University, both reporting the pollution of the water from a glucose factory and the great tanneries, and the disagreeable odor that it has? That's all I know about it.

Mr. FOSS. Mr. Chairman, I desire to state that there was some trouble from a glucose factory, but the matter was called to the attention of the officials of the State, and it has been remedied.

Mr. VREELAND. Mr. Chairman, the Committee on Naval Affairs had before it the commandant of this proposed naval station. We went into the question of the water supply and the pollution of the water, and it is true that there was some contamination caused by a factory adjacent to the naval station at, however, a considerable distance. But the State authorities, we found, had promptly taken up the matter, and my understanding is that the nuisance has been abated, and that there

is no trouble whatever, and that there is an abundant and unlimited supply of pure water for the use of this station.

Gentlemen, during the last Congress many of us will remember that my friend from Wisconsin occupied some two hours of the time of this House going into this matter thoroughly, going into it in detail, exhausting the subject, and that the matter was at that time brought before the House and considered settled. He went into it ably, as he always does everything which he undertakes. He presented all the merits of the case in favor of some other station being selected than Lake Bluff. It seems to me, Mr. Chairman, that after all this care and examination, after we have entered into possession of these premises, after we have spent many thousand dollars in putting them into perfect shape, it is too late to go back and again consider the question of where this station shall be located.

Mr. FITZGERALD. Mr. Chairman, I am in favor of striking this paragraph from the bill, but from different reasons than those urged by the gentleman from Wisconsin. There is at this station a farm with a barn and a few wooden buildings upon it, and there is asked \$20,000 for maintenance for the coming fiscal year. There was no detailed estimate submitted to the Naval Committee, but in preparing the recommendation the officers took the language found in the bill for another training station and had that language inserted in this bill. So we find this paragraph authorizing expenditures for fire extinguishers, heat, lighting, furniture, stationery, books, periodicals, ice, expressage, packing boxes and materials, postage, telephone, and street-car fares. There is an architect employed up there designing and laying out a plan for this proposed naval training station.

Mr. VREELAND. May I interrupt my colleague?

Mr. FITZGERALD. Certainly.

Mr. VREELAND. I want to say to my colleague that elsewhere in this bill is an appropriation for the purpose of entering upon the designs for which this site was intended, namely, the building of the necessary buildings, the equipping of it for the use for which the Government purchased it, for taking care of the men who are waiting to enter the service of the United States; that all of these things will, before the end of the year, and even at the present time, be necessary for the work that is to be carried on there for the Government.

Mr. FITZGERALD. They have an architect employed up there, unauthorized, as far as I can find any provision of law, preparing a general scheme for laying out this place. As the gentleman from New York says, further on in the bill there is a provision carrying \$750,000 toward the completion of buildings which are to cost \$2,000,000.

These buildings are to be used in training landsmen, as they are called, or apprentice seamen, who are not kept in the buildings more than six months. After that period of training they are sent to sea. In the provision authorizing the buildings there is no restriction upon the compensation to be paid to an architect, no adequate provision to prevent the extravagance such as we have had in connection with the building of the Naval Academy and Military Academy, nothing but this general authorization to expend \$2,000,000 for buildings at the naval training station. Mr. Chairman, the least the House has the right to expect from a great committee when it comes in with a recommendation that \$20,000 be appropriated for some purpose is that some adequate excuse be given for the appropriation. The only thing that I can find in the hearings before the Committee on Naval Affairs bearing upon this subject is the statement made by the Chief of the Bureau of Navigation, and it is contained on one page of the printed hearings of the Naval Committee, and on that insignificant testimony they not only recommend \$20,000 for maintenance, but they recommend \$6,940 for clerks and other help in the office of the commandant. Where his office is to be established, and where these men are to do work and what their work is to be at a place where there are no buildings, no training station, in the correct sense of the term, it is difficult to find out. If there be money needed for the maintenance of this station during the coming year, I have no doubt that it should be appropriated, but it is customary to have some specific recommendation, some definite information upon which the House can act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I will read the testimony upon which these recommendations are submitted to the House.

Admiral CONVERSE. We have been working on that fund of \$250,000. We have a naval captain there supervising the preparation of the gen-

eral plans, and an architect preparing plans for buildings, and several engineers laying out the roads and the drainage. This appropriation is only for maintenance. There is nothing for buildings.

Mr. BUTLER. Beginning with July 1, 1906, this force will be absolutely necessary at this point?

Admiral CONVERSE. Yes, sir.

Mr. BUTLER. And the men provided for in this section will be employed regularly?

Admiral CONVERSE. Yes, sir; under civil-service rules.

Mr. BUTLER. And will there be sufficient business to keep them occupied during business hours?

Admiral CONVERSE. Yes, sir.

Mr. RIXEY. Is it intended to confine this station to a recruiting station?

Admiral CONVERSE. Yes, sir.

Mr. RIXEY. It is not intended for a navy-yard?

Admiral CONVERSE. No, sir; simply for receiving recruits there preliminary to going on ships. We get a good many recruits from the Lakes now when the steamers are laid up, and Detroit, Cleveland, Chicago, Milwaukee, Duluth, and Superior are furnishing men all the time.

Mr. RIXEY. Is that used now as a recruiting station?

Admiral CONVERSE. No, sir; we have no accommodations for housing them.

Mr. RIXEY. When will it be ready?

Admiral CONVERSE. It depends upon what you will give us to put up the buildings.

Mr. KITCHIN. How far is that station from Chicago?

The CHAIRMAN. It is about 35 miles, I think. You say you will need these men there this coming year?

Admiral CONVERSE. Yes, sir.

The CHAIRMAN. Can we safely reduce this estimate?

Admiral CONVERSE. We put in the estimate exactly as asked for by Captain Ross.

Mr. VREELAND. Is there an appropriation for buildings?

Admiral CONVERSE. Not yet; it is to be submitted. It is to be estimated for.

The CHAIRMAN. You have submitted it on page 87 of the bill.

Mr. BUTLER. What Department will that come under, the Bureau of Navigation?

Admiral CONVERSE. Yes, sir; but not in my time. After my successor has been appointed.

The CHAIRMAN. Who is the commandant?

Admiral CONVERSE. Captain Ross. He is in town and can appear before the committee if you so desire.

Mr. VREELAND. Where are you going to keep this live stock?

Admiral CONVERSE. We have a barn there. There were two or three buildings there when the property was transferred; it was quite a farm.

Now, I did not find any testimony of Captain Ross in such of the hearings as I have been able to obtain. I may have overlooked it; but if it be no more specific than this testimony, or if there be no more definite information than this testimony indicates, I should like to know upon what the House is asked to appropriate \$20,000 for "ice and periodicals and stationery, fire extinguishers, and the like, for street-car fare," and also \$6,940 "for clerical and other help."

Mr. VREELAND. Mr. Chairman, as I understand the gentleman, he offers criticism of the Naval Committee for making an appropriation based upon one page of the hearings. I desire to call the gentleman's attention to the fact that if he will look at page 167 of the hearings he will find for each of the next twenty-seven pages continual hearings upon this subject by the commandant at this station.

Mr. FITZGERALD. Well, Mr. Chairman, very much to my misfortune, upon applying at the Committee on Naval Affairs for a copy of the hearings on this bill the pages to which the gentleman refers were among those the committee were unable to furnish to me; so that Members of the House are not to be criticised for not finding all of the testimony submitted to the committee; but the fact is that there are there on this farm a barn and two or three wooden buildings, and \$20,000 is asked for maintenance, while for the maintenance of the naval training station at Rhode Island, where they have men under training and where they are doing effective work, the total appropriation for maintenance is \$71,000, and the total appropriation for maintenance at the California station is \$50,000.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, it may be necessary to appropriate \$26,940 for maintenance and clerical help at this place before they have even commenced to erect a building; but if it be, I would like the House to consider how much will be required after the erection of the contemplated buildings, to cost not to exceed \$2,000,000. I should like to know what provision the committee has made to prevent the exorbitant fees and charges of architects in the erection of this establishment. We had some experience in connection with the Naval Academy. In order to prevent a repetition of it when it was proposed to reconstruct the Military Academy at West Point, a specific sum was appropriated for architects' fees. Nobody has complained that the Government suffered particularly from that practice, although there was considerable discontent upon the part of

the architects throughout the country. This is the time when these appropriations must be carefully scrutinized, because when it is started, as Members of the House well know, it will be impossible ever to cut them down.

Mr. PALMER. What is the use of expending \$2,000,000 for a naval training station where recruits are to be received and kept for a few weeks and then forwarded to the service? What is the use of spending that large amount of money for a place like that?

Mr. FITZGERALD. Oh, the gentleman is in great error. They are to be kept there for about six months.

Mr. PALMER. How many will be there at a time?

Mr. ROBERTS. Ultimately about 2,000.

Mr. FITZGERALD. And they evidently intend to have very palatial quarters, and when they are trained and sent on board a ship and confined in the quarters they will be compelled to live in on board I predict that the desertions will increase at a rate that will astound the House and the country.

These training stations should be very simple affairs. We are not establishing a great university—that is, nobody imagined that such was the intention of Congress. I suppose, though, that we will have a magnificent granite and marble building in which men who are to be given a few months' preparatory training for life on board a ship as ordinary seamen or as landsmen are to be equipped for that work.

Mr. LILLEY of Connecticut. Will the gentleman permit an interruption?

Mr. FITZGERALD. Yes.

Mr. LILLEY of Connecticut. There are practically 25 per cent more men here than at Annapolis. The buildings there cost \$10,000,000, and this whole outfit will cost two millions, so we are only spending 20 per cent of the money on the men who do the real work of the Navy as against what we are spending for the training of cadets at Annapolis, and it seems to me that it is out of proportion.

Mr. FITZGERALD. At the Naval Academy we have the most highly scientific course of any institution in the world. Men are being trained to officer the Navy, to spend their lives in it. They spend four or five years at the academy. The men who are to receive this preliminary training are enlisted for three or five years, and the rule is that after one term of enlistment they look for some other more congenial occupation. If the only defense for expending \$2,000,000 for a training station is that Congress in some way or another was prevailed upon to expend \$10,000,000 upon the Naval Academy, then it is the poorest defense I have ever heard urged for an appropriation.

Mr. LILLEY of Connecticut. Nevertheless it is not a fact that the percentage of reenlistments of the American Navy is greater than any other navy in the world?

Mr. FITZGERALD. Well, I do not know; but I do know this, that up to this time, with the exception, I think, of the training station at Newport, R. I., all of the men and the apprentice boys, who have reflected such glory and credit upon themselves and upon the Navy, have been trained on training ships, ships which were useless for any other purpose. Under this new dispensation, however, it is necessary to give them better accommodations than I or many other men had when we were attending college, and I am opposed to such a scheme because I think it is an unjustifiable extravagance.

Mr. LILLEY of Connecticut. May I say—

Mr. FITZGERALD. Yes.

Mr. LILLEY of Connecticut. Do you not think taking these green boys, landsmen, and putting them aboard these ships has been the cause of desertions very largely?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I do not; and I say, moreover, that after you get them out of this palatial training school and put them on board ship they will quit the first time they get to land, and you can not hold them. [Applause.]

Mr. LILLEY of Connecticut. No; they quit because they are in these old hulks being trained; they quit before they are trained.

Mr. RIXEY. Mr. Chairman, I agree with much the gentleman from New York has stated, and I will do him the credit to state that he is one of the few men on this proposition who is consistent. He opposed it in the beginning. I remember very well when this proposition first came up. I opposed it in the Committee on Naval Affairs and opposed it on the floor. It first went out on a point of order, raised, I believe, by the gentleman from Ohio. The provision for the naval training station was then placed in the bill by the Senate. When it came to the House there was a motion made to concur in the Senate amendment with an amendment. I was opposed to the whole proposition, and was one of those who voted

in the negative, as was the gentleman from Wisconsin [Mr. COOPER], and the motion was defeated and the amendment was rejected. The matter then went to conference, and, while pending in conference, some amendment was made, which was satisfactory, not to everybody, because, so far as I was concerned, I was opposed to it upon principle, believing that there was no necessity for a naval training station on the Great Lakes, where you could not have, under the treaty with Great Britain, any battle ships; but my recollection is that when that compromise proposition came from the committee of conference the gentleman from Wisconsin [Mr. COOPER] supported it, and it seems to me that he should abide by his agreement. Now, the proposition which he supported—and if I am incorrect he can correct me—provided as follows:

Naval Training Station, Great Lakes: The purchase of land and the establishment of a naval training station on the Great Lakes, \$250,000. The President is hereby authorized and empowered to appoint a board consisting of not less than three members, none of whom shall be a resident of any State bordering on the Great Lakes, whose duty it shall be to select the most available site for such naval training station on the Great Lakes, and having selected such a site, to ascertain and report its probable cost and the probable expenditure which will be necessary for improving the same, including lake shore protection and construction of necessary harbor facilities, and make a detailed report of the findings and proceedings to the President, who, on approval of such report, shall authorize the purchase of such site and establishment of such naval training station.

Now, the gentleman from Wisconsin [Mr. COOPER] supported that proposition. He took his chances on it, and because he is defeated he now comes to attack this whole provision. So far as I am concerned, I am opposed to the provision upon principle.

Mr. COOPER of Wisconsin. Will the gentleman permit a suggestion right there?

Mr. RIXEY. I will.

Mr. COOPER of Wisconsin. I had no thought of opposing it at all, until I saw in the Chicago Tribune on the front page the report of the examinations of these expert chemists as to the pollution of the water, that the odor was unbearable and declared a nuisance. Then, inasmuch as you wanted a bathing place at the training site, I supposed if anything smelled so bad that you could not live near it, it would not be a pleasant place in which to bathe.

Mr. RIXEY. I will state to the gentleman that so far as I am concerned I do not believe in a naval station or a bathing place on the Great Lakes. I believe the recruits ought to be sent to the coast and have their training in the ships in which they are to serve. But the House thought differently, and Congress ordered differently, and the gentleman from Wisconsin [Mr. COOPER] had his opportunity to present the advantages of the site which he advocated; and he is here complaining to-day because that site was not selected by the Board.

Mr. SPARKMAN. How many of these naval training schools have we?

Mr. RIXEY. We have two or three. We have one in California, one in Rhode Island, and then one at Norfolk, or rather it is used as such.

Mr. SPARKMAN. In what particular do these training schools differ from the training on the training ships?

Mr. RIXEY. I presume it is the same thing. My view was that they ought to be sent to the ships where they could get that training. But Congress thought differently. Congress, after an elaborate discussion and consideration, decided in favor of establishing this station on the Great Lakes, and at this particular point, as I understand.

Now, as to whether any money will be appropriated for it, that is another matter; but I do think, so far as the gentleman from Wisconsin [Mr. COOPER] is concerned, he has had his day, he has taken his chances, and it now ill becomes him to complain of the selection of this site.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEYER. Mr. Chairman, I am one of the Members of this House who voted for the establishment of a training station on the shore of the Great Lakes, because I believed that by such an establishment the Navy would secure recruits of a character most likely to do good service—men from the sturdy West, many of them accustomed to the water from youth, and who would prove efficient in the service. It is important to encourage enlistments from that section of the country, the breeding place of hardy, patriotic Americans.

Now, as to the advantage of training these young men on shore rather than in ships, that is a controversy which has been considered in Congress time and again, but in recent years it has been conceded that the first training of these recruits should be on land, for reasons which it is not necessary for me to mention now. As has been stated by my colleague from Virginia, the question was fully considered by Congress as to whether such training station should be established at Lake

Bluff, in Illinois, or at some other point on the Great Lakes. I do not think, sir, that there has been a matter brought before this Congress that was discussed more fully and more thoroughly and with more heat than was this one, two or three years ago. The gentleman from Wisconsin [Mr. COOPER] occupied a great deal of time in this connection, and with his usual vigor and persistency brought before the House every argument that was available in favor of the establishment at some other point, within the limits of his own State. Two commissions were appointed to investigate the relative merits of the various competing places.

There is no reason to believe that these commissions were in any way partial to any of these particular sites. The first was headed by Admiral Taylor, now deceased, an officer of the very highest character and ability, a man who would scorn to show preference unless that preference was justified. The President approved the findings of the second commission, also in favor of Lake Bluff, doubtless after a careful review of the reports connected therewith. There is certainly no reason to suppose the President acted without full consideration of the merits of the various places. In my judgment, the entire matter has been settled, and I can not conceive why the gentleman from Wisconsin comes now and seeks to overturn what has been so thoroughly discussed and, to my mind and to the mind of most of the Members who are familiar with the history of this legislation, established beyond the peradventure of further useful discussion.

I hope, Mr. Chairman, that the motion to "strike out" the paragraph will be voted down. The interest of the Navy will be best promoted by such action.

[Mr. KINKAID addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I have not taken any special interest in the subject of the naval station except in a very general way; but the remarks of my distinguished friend from Wisconsin [Mr. COOPER] in reference to the contamination of the water at Lake Bluff opened a new channel of thought. I regret very much that he did not make this speech some time ago. The United States Supreme Court has been engaged for several years in considering the question as to the contamination of the water supply in St. Louis by reason of the flow of water down the Illinois River, which comes through the drainage canal at Chicago. If the distinguished gentleman from Wisconsin had made his discovery and announced it to the world before that case was closed, it would have been possible for the city of Chicago in its controversy with St. Louis to prove that the contamination of the water supply of St. Louis came from Waukegan and Kenosha, because the water which he has complained of at Lake Bluff, which he says is so contaminated and has such vile odor, is water that goes down the western shore of Lake Michigan until it reaches Chicago and then goes down the Chicago River and then down the drainage canal and Illinois River to St. Louis. It would have been a remarkable discovery to have brought to the attention of the Supreme Court of the United States. St. Louis and the State of Missouri, thinking that it was the sewage from Chicago which was contaminating the water there, would have learned that the great discoverer from Wisconsin had brought to the attention of the world the fact that the supply of contaminated water came from Lake Bluff.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent to say a word or two in reply to the gentleman from Illinois. I ask three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I hope he will have all the time he wants.

Mr. COOPER of Wisconsin. Mr. Chairman, in reply to the elaborate argument of the distinguished gentleman, the constitutional argument, which he has seen fit to submit to the House, I desire to say that the "gentleman from Wisconsin" has not made any "discovery," except to have found on the front page of the Chicago Tribune what purported to be a statement of a member of the State board of health, and also a statement of a professor of the Northwestern University as to the pollution of the water at Lake Bluff, caused by the gluten that came from the glucose factory, the only glucose factory in that vicinity, at Waukegan, 4 miles distant. It is not a discovery of the "gentleman from Wisconsin," but a plain statement of two unbiased, professional experts as to the pollution of the water at Lake Bluff. It is not a discovery on my part, but a statement of facts by chemists. So that the gentleman's eloquent, elaborate, and profound discussion of the Constitution and the law, when he alluded to me, was merely an airing of his own wisdom in reference to this matter, and wholly irrelevant.

Mr. MANN. I do not know how the gentleman could think

of it as an argument on constitutional law. Probably he would not recognize it.

Mr. COOPER of Wisconsin. The gentleman spoke of something that was done in the Supreme Court. I will say law and strike out the "Constitution."

Mr. FOSS. Mr. Chairman, I would like to say a word about this proposition, and only a word. This matter was very thoroughly discussed two years ago on the floor of this House, and every objection which has been made here as to the site selected by the different boards was made then, and, I think, made a great deal better then than now. There have been two commissions appointed for the purpose, and they have unanimously selected the site. The Navy of the United States wanted another training station. They have one on the Pacific coast; they have got another at Newport, R. I., and they wanted one in the Great Lakes somewhere. So a naval board was first commissioned to examine and select the site. Then a second commission was appointed, Mr. Chairman, which consisted of a majority of civilians, and they unanimously selected this site, and the President of the United States has approved of it, the title has been taken to the property, and the work has been going on. Admiral Converse, in his report, says that "the work should be expedited on the new training station about to be established at Lake Bluff, near Chicago, and when it is completed a present pressing want will be relieved."

Now, we all know that one of the most pressing questions in the Navy to-day is securing a good personnel and the training of the personnel. We propose to make this as good a station as the one at Newport. We sent a commission over to Europe a few years ago to visit the different training stations and the methods of training men in the foreign navies. It is proposed to make this a model training station for the men behind the guns—the enlisted men. It is the only naval institution which we have or will have out on the Great Lakes.

We have navy-yards along the Atlantic coast, along the Gulf, and along the Pacific coast, and we will have but this one naval station on the Great Lakes, and I think it ought to be a good station. I think it ought to be a first-class station in every respect. It is located near the heart of the great center of our country, from which to-day come the best men who enter the American Navy.

Something has been said here to-day because the citizens of Chicago subscribed \$172,000 and gave this site to the United States Government. They are patriotic people in Chicago, and a number of years ago, when it was proposed to locate there an Army post, the citizens of Chicago went down into their pockets and subscribed more than \$300,000 and purchased the land and gave it to the United States Government. With the same degree of patriotism, from no other motive than a sentiment of love for the Navy and devotion to the flag, they have in this case already contributed this large sum of money and turned the property over to the United States Government. [Applause.]

Now, the Government of the United States having agreed to establish a station of this sort and having taken the property subscribed and paid for by the citizens of Chicago, I say to you that it would be unjust for it not to go ahead and establish and build this naval training station. [Applause.]

I call for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin to strike out the paragraph.

The question being taken; and the motion was rejected.

Mr. FITZGERALD. In line 16, I move to strike out "twenty thousand dollars" and insert "ten;" so that it will read "ten thousand dollars." I do this, Mr. Chairman, in view of the very elaborate and apparently satisfactory explanation of the necessity for this particular appropriation by the gentlemen who have spoken in behalf of this establishment. They have convinced me, at least, that probably they can get along with \$10,000 a year at this station for these incidental expenses, including "periodicals, stationery, books, street-car fares," and other matters, when so far as we are aware there is practically no necessity for any more.

Mr. LOUDENSLAGER. I want to say for the benefit of the committee that this item of \$20,000 does not altogether refer to the items mentioned by the gentleman from New York, but it also includes labor and materials and the preparation of the ground, and it would seem to me that this is a very small amount of money to be appropriated in that way, and it would, in my judgment, cripple the expenditure of the item further on in the bill as well as that which was appropriated last year.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. LOUDENSLAGER. Yes.

Mr. FITZGERALD. Does the gentleman think it proper to make any very great expenditure in preparing these grounds

until the plans have been approved for the buildings that are to be erected there?

Mr. LOUDENSLAGER. The plans are prepared.

Mr. FITZGERALD. I beg the gentleman's pardon. The language here does not indicate that.

Mr. LOUDENSLAGER. Not on that appropriation, but on the other they are, and the need there is for the improvement of the grounds.

Mr. FITZGERALD. But I call the gentleman's attention to the statement that the architect at this place is preparing the plans; and if he is preparing them, they certainly are not prepared. They can not be approved until they are prepared, and until that happens it seems to me very indiscreet to attempt to lay out the grounds.

Mr. LOUDENSLAGER. The grounds must necessarily be laid out with a view to the construction of certain buildings, and so far as the actual laying out on paper is concerned that has been done, for I have seen it myself, and, as I understand, some of this appropriation is to be made use of in that connection.

Mr. LILLEY of Connecticut. This appropriation will not be available until July 1.

Mr. FITZGERALD. Let me ask the gentleman from Connecticut for what has the \$250,000 already appropriated been expended? The gentleman is on the committee and gave this a great deal of attention.

Mr. LILLEY of Connecticut. I have not that information.

Mr. FITZGERALD. I should like to know somebody who has that information and can give it.

Mr. FOSS. In Captain Ross's testimony before the committee, which the gentleman can have—

Mr. FITZGERALD. The gentleman knows that he gave me all the testimony I could get in the committee, and that was not among it. I applied to the gentleman personally.

Mr. FOSS. I gave the gentleman the testimony that he wanted, the testimony of the bureau chief.

Mr. FITZGERALD. No; I wanted the testimony taken on this bill.

Mr. FOSS. I think the gentleman must be mistaken. Here is the statement of the expenditures in the testimony of Captain Ross.

Mr. FITZGERALD. I will ask the gentleman how much has been expended.

Mr. FOSS. Up to January 1, 1906, \$11,912.

Mr. FITZGERALD. And so they had left \$239,000.

Mr. FOSS. That was on January 1, 1906.

Mr. FITZGERALD. They had \$239,000 left, and that is in addition to the \$20,000 that is appropriated. Now, I hope, Mr. Chairman, in view of the fact that \$250,000 was appropriated in the act of 1904, and the balance, amounting on the 1st of January of this year to \$239,000, is still available, that the committee will join me in reducing this appropriation by \$10,000, because all of this other money is available for the same purpose.

The CHAIRMAN. The question is on agreeing to the motion made by the gentleman from New York.

The question was taken; and the motion was not agreed to.

The Clerk read as follows:

For clerical force in the office of commandant as follows: One clerk, at \$1,200; one clerk, at \$1,000; one draftsman, at \$1,500; one sub-inspector, at \$1,500; one foreman of laborers, at \$1,200; one messenger, at \$540; in all, \$6,940. In all, naval training station, Great Lakes, \$26,940.

Mr. FITZGERALD. Mr. Chairman, I suppose there is no claim on the part of the members of the committee that two clerks, a draftsman, and subinspector could be overworked at this place inasmuch as of that \$250,000, which has been available for over a year, they have only been able to expend \$11,000. The amount of supervision that will be necessary at this station and the necessary clerical help that will be required will hardly need an appropriation of over \$6,000. It may be necessary in view of what it is contemplated will eventually be done there; but it seems to me to be unnecessary to authorize the entire office equipment before the erection of the buildings has been commenced. Under these conditions I move that this provision be stricken from the bill.

Mr. FOSS. Mr. Chairman, the gentleman has unintentionally misstated the whole question. The proposition here is simply a provision for the maintenance of the station—\$20,000. That is separate and apart from the \$250,000, which goes toward the construction and equipment of the station—an entirely different proposition. The gentleman is trying to throw in here, from lack of information, the idea that we are trying in some way to secure more money than is absolutely necessary.

Mr. FITZGERALD. Mr. Chairman, the gentleman charges

me with an attempt to mislead the committee. That statement is hardly accurate. In the law, if the gentleman will read it, he will find an appropriation of \$250,000 which is available for the purpose of preparing and equipping this station. I challenge the gentleman to read the law and see if I am not correct. The appropriation that has been passed for maintenance "includes repairs and improvements of the ground," and if the \$250,000 that was appropriated was not available for that purpose I will ask the gentleman from Illinois to state from what fund they have obtained the money with which they have been doing the identical work for which this \$20,000 is granted.

The gentleman does not answer the reasons urged for striking out the appropriation for clerical help. I stated that the committee had provided an office equipment here for a place not in existence. The gentleman charges me with having attempted to mislead the House into the belief that the appropriation already made and passed was available for a purpose for which it was not. I call the gentleman's attention to this fact, that at least the House has a right to expect, when a motion is made to strike out an appropriation for clerical help, which is new in this bill, that the gentleman give one substantial reason for incorporating the provision in the bill. It may be that he has done so, but if he has it has escaped my observation.

Mr. FOSS. Evidently it has escaped the gentleman's observation. In the statement of Admiral Converse, Chief of the Bureau of Navigation, in the latter part of it—page 121 of the hearings—is inserted the report of the commandant of the station. It says: "One clerk at \$1,200; this clerk is required in the construction, records, general office work, including all work under the engineer's direction. One stenographer at \$1,000; this is needed not only in the office of the commandant, but for all correspondence, and for the correspondence of any other officers stationed here—also as a file and record clerk. One draftsman at \$1,500; this draftsman is absolutely necessary, and will be needed after the construction of the building is completed;" and so it goes on all through. There is a reason for everything given here, and the only trouble is that the gentleman has not been able to make himself familiar with the facts.

Mr. FITZGERALD. Mr. Chairman, the gentleman is reading from the estimate that was submitted. If the gentleman's committee is in the habit of accepting the estimates transmitted from a Department as sufficient justification for appropriations, and if that practice was followed by every other committee that has jurisdiction over appropriation bills, the Government of the United States would be bankrupt in one year. I ask the gentleman not to read from the estimates, but to give one good, substantial reason for the appropriation for a clerical force at a place where there is to-day only a barn and two or three wooden buildings, although it is contemplated in this bill to authorize the construction of new buildings.

Mr. FOSS. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York to strike out the paragraph.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for watchmen at magazines, powder factories, and powder depots; for furniture in ordnance buildings at navy-yards and stations; for maintenance of the proving ground and powder factory, and for target practice, \$3,500,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Amend by inserting after the word "dollars," in line 6, page 11, the following: "Provided, That no part of this appropriation shall be expended for shells and projectiles, except for shells and projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all the manufacturers of such shells and projectiles and upon bids received and accepted in accordance with the terms and requirements of such proposals."

Mr. TAWNEY. Mr. Chairman, I am advised by the Secretary of the Navy that there is expended annually about \$500,000 out of this appropriation for shells and projectiles, and that it has not been the practice of the Department heretofore to invite bids or submit proposals to the various establishments manufacturing projectiles and shells; that these contracts are let to the establishment which, in the judgment of the Department, it seems best and advisable that the contract should be given. I think, with all due respect to the Committee on Naval Affairs, that Congress should place some limitation upon this discretion which has heretofore been invested in and exercised by the Navy Department. There are different manufacturing establishments engaged in the manufacture of these projectiles,

and it is but reasonable to suppose that if the Navy Department is required to invite bids or to submit proposals upon which bids are invited for the manufacture of these projectiles, the Government will pay less than we are paying now under the present system, which is to give the contract to any establishment that may be able to secure the favor of the Department. There is no reason why an exception should be made in the matter of the purchase of an item involving an expenditure of half a million of dollars annually from the practice which is pursued in the purchase of any other item that is necessary in the administration of any of the other Departments of the Government. I regret that I do not have at hand the letter which I received from the Secretary of the Navy upon this subject, but I have stated in substance what it is, and I can see no reason why an exception should be made, as I say, in this particular item, the purchase of which involves so much money as the purchase of projectiles.

Mr. FOSS. Mr. Chairman, will the gentleman yield for a question?

Mr. TAWNEY. Certainly.

Mr. FOSS. Did the Secretary of the Navy write the gentleman a letter approving this provision?

Mr. TAWNEY. No; he did not, because "the gentleman" did not ask for his approval. I merely asked for information. There are two classes of projectiles. Proposals for the one are submitted and bids are invited. Under that class about \$46,000, if my memory serves me right, was expended during the last fiscal year; but under the other class, for which there was expended during the last fiscal year something like \$446,000, no proposals were submitted and no bids were invited, although the Secretary of the Navy, who admits that there are several manufacturing establishments engaged in the manufacture of these projectiles, refused to award the contract to any one of them.

Mr. ROBERTS. Mr. Chairman, will the gentleman permit a question?

Mr. TAWNEY. Yes.

Mr. ROBERTS. What is the nature of the projectiles for which the large sum is expended?

Mr. TAWNEY. The large projectiles.

Mr. BUTLER of Pennsylvania. Manufactured by what concern?

Mr. TAWNEY. I do not know. The Secretary of the Navy does not state the firm that is manufacturing them for the Government, although he does state in his letter that there are several establishments engaged in their manufacture. I can see no objection to the amendment. I think it is a reasonable proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to proceed for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the gentleman from Minnesota proceed for five minutes. Is there objection?

There was no objection.

Mr. ROBERTS. Mr. Chairman, I would ask the gentleman if any part of this half million dollars is expended for torpedoes?

Mr. TAWNEY. No.

Mr. ROBERTS. Only for projectiles used in the guns?

Mr. TAWNEY. Yes; for the shells and projectiles; and if this limitation is placed upon this provision it also ought to be placed on the provision on the same page, which is a new provision, providing for the purchase of a certain amount of reserve shells and projectiles.

Mr. ROBERTS. I would like to ask the gentleman one other question. Has he heard or does he know of any complaints from manufacturers of these projectiles that they do not have the opportunity to furnish the Government with their own manufacture?

Mr. TAWNEY. I have none; I have no complaint. This is not in the interest of any manufacturing establishment. I do not offer this amendment at the request of anybody; but in looking over the appropriations I saw this large sum appropriated for this purpose, and I sought information from the Secretary of the Navy as to how these expenditures were made and learned from him, as I have stated, that the purchases were made, except in one particular class of projectiles, for which we expended \$46,000 last year, in the discretion of the Department, regardless of the price and without inviting bids.

Mr. HULL. Without any bids?

Mr. TAWNEY. Without any bids whatever.

Mr. LOUDENSLAGER. As I understood you, you made the statement that several other firms were engaged in the manufacture of these kinds of shells.

Mr. TAWNEY. That was the information which the Secre-

tary communicated to me in his letter, which I had here, but somebody must have picked it up.

Mr. LOUDENSLAGER. Do you know who the purchasers are from the other firms?

Mr. TAWNEY. I do not.

Mr. BUTLER of Pennsylvania. Will the gentleman from Minnesota permit me to ask a question?

Mr. TAWNEY. I will.

Mr. BUTLER of Pennsylvania. Is the gentleman perfectly satisfied to have this item passed over until to-morrow morning at 12 o'clock?

Mr. TAWNEY. Certainly; I have no objection.

Mr. BUTLER of Pennsylvania. I am sure the gentleman will not have any objection.

Mr. TAWNEY. I have no objection.

Mr. BUTLER of Pennsylvania. We may be better informed by to-morrow.

Mr. ADAMS of Pennsylvania. In reply to the gentleman from Massachusetts as to whether any firms have complained that they had not an opportunity to enter into a competition, I would say the Midvale Works, of Philadelphia, have so complained, that under the practice they had not the opportunity, the discretion being lodged in the Secretary, to enter competitive bids.

Mr. BUTLER of Pennsylvania. Mr. Chairman, may I renew my request that this item go over until to-morrow morning at 12 o'clock? The gentleman offering the amendment says it will be satisfactory to him.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the paragraph with amendment pending be passed without prejudice until to-morrow after the House goes into committee. Is there objection?

Mr. TAWNEY. I have no objection, Mr. Chairman, to that.

The CHAIRMAN. The Chair hears no objection.

The Clerk read as follows:

Purchase and manufacture of smokeless powder, \$500,000.

Mr. RIXEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "dollars," in line 11, add the following: "Provided, That no part of this appropriation shall be used for the purchase of smokeless powder at a greater price than 60 cents per pound."

Mr. RIXEY. Mr. Chairman, the hearings before the Committee on Naval Affairs disclosed the fact that no bids are called for when the Government has to purchase its powder. The course adopted is a most unsatisfactory one. The Department notifies the powder manufacturer to furnish so much powder upon the general and continuing understanding that it will pay 70 cents a pound. Admiral Mason, head of the Ordnance Bureau, stated that there was practically no competition in regard to the furnishing of smokeless powder; that the Department fixed the price at which this powder was to be furnished, and that the factories furnished the powder at the price which the Department said was reasonable.

Now, this amendment simply provides that the Department, instead of paying what it has been, 70 cents a pound, shall not pay in excess of 60 cents a pound. I hope that there will be no trouble in the committee in accepting this amendment, because it is manifestly just in the light of the evidence which we have recently had. The question as to the price of powder has recently been investigated by the Committee on Military Affairs of the Senate. That committee had hearings, and, as I understand it, the result of those hearings is that smokeless powder can be manufactured at 35 or 40 cents a pound. The cost to manufacture powder at the Government plant at Indian Head, Admiral Mason says, is 60 cents a pound, which includes an allowance of 10 per cent for depreciation of plant and 6 per cent insurance. This is a most liberal allowance for depreciation and for insurance. I understand that insurance can be secured for 2 per cent, and there is no reason why the land should depreciate at all, much less 10 per cent.

Again, Mr. Chairman, the demand for navy-yard construction is always met with the statement that the private contractors can build cheaper than the Government, so much cheaper that the private contractors can build for the same price that it costs the Government and have a good profit besides. That is a contention we hear every year when the naval bill comes up and we reach the question of the increase of the Navy. If this contention of the private contractors is approximately true, why not apply it to the question of powder? With the Government plant at Indian Head run to only one-half to two-thirds its capacity and with allowances for depreciation and insurance, it would seem that the cost to the Government would be a liberal allowance to a private contractor. In addition, if we adopt this amendment limiting the price to 60 cents a pound, the Department will furnish the acid, which costs from 4 to 5 cents,

and the powder will thus cost the Government 65 cents, instead of 75 cents, as it now does, while the Government can manufacture it for 60 cents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIXEY. Mr. Chairman, I would like to have five minutes more on this proposition.

The CHAIRMAN. The gentleman from Virginia [Mr. RIXEY] asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. RIXEY. Admiral Mason in his statement said:

We have not asked for bids for some time in the Navy. We place the order with the different companies at the price of 70 cents, this price having been fixed by us as a result of our experience at Indian Head and accepted by the manufacturers.

Mr. RIXEY. You pay wherever you place the order 70 cents?

Admiral MASON. That is the price at present.

Mr. RIXEY. I understood that we had a provision which required that when powder or anything else was to be purchased for the supply of the Navy that it must be put out to the lowest bidder.

Admiral MASON. Ordnance and ammunition are exempt by law.

Mr. RIXEY. Don't you think it would be a wise course to pursue?

Admiral MASON. For the lowest bidder?

Mr. RIXEY. To call for bids.

Admiral MASON. I do not think anything would be gained by this. There are no other firms in the country which manufacture smokeless powder for large guns. The present manufacturers have very close business relations with one another and have always been willing to meet us in fixing the price of their product and to give us full facilities for examining their plants and keeping ourselves posted with regard to advances in methods of manufacture which might tend to cheapen production. We have once, at least, cut down the price, after conferring with the manufacturers, and they accepted our decision, though naturally not without some reluctance. It would be bad policy in connection with a matter so essentially military as this one of powder manufacture to accept anything but the very best that can be made, and we have felt that the only way to get this is to set the highest possible standard and hold the manufacturers up to this by rejecting without hesitation every pound of their product which does not come up to the requirements.

We can not do all this unless we are fair in the matter of price, and this is one of the greatest advantages about having a Government plant. We can follow up the cost of production at our own plant, and then, by allowing what seems a fair margin of profit for the outside manufacturers, we can agree on a price which will justify them in using the most improved methods at every point. The cost of production at Indian Head at present averages 60 cents a pound. This takes account of the capital invested—that is, the estimated cost of the plant—and allows for deterioration of plant, and insurance, the Government insuring itself.

It is stated in another place—

Mr. BUTLER of Pennsylvania. How much does it cost the Government?

Mr. RIXEY. Sixty cents, and that is after allowing 10 per cent for deterioration of plant and 6 per cent for insurance.

Mr. TAWNEY. Will the gentleman permit me to ask him a question right there?

Mr. RIXEY. Yes.

Mr. TAWNEY. Is there any competition in the manufacture of smokeless powder whatever, and can there be competition?

Mr. RIXEY. Admiral Mason states there is very little competition.

Mr. TAWNEY. Has not your committee ascertained the fact that smokeless powder is manufactured under the terms and specifications of a patent obtained for its manufacture?

Mr. RIXEY. I think not. There is no such evidence.

Mr. TAWNEY. I will say to the gentleman that I have the certified copies of the patents obtained by two naval officers, and those patents have been assigned to one of the constituent companies that generally manufactures smokeless powder, and in that assignment the patentee has reserved to the Navy Department a license to manufacture smokeless powder, and the Navy Department is the only establishment, or the Government itself can be the only competitor, in the United States for the manufacture of smokeless powder, for the reason that it is being manufactured under these two patents obtained by two naval officers, whose experiments were conducted out of appropriations made for the maintenance, or made for the torpedo station, I think, at Newport, R. I.

Mr. RIXEY. Smokeless powder is made down at Indian Head. There was no testimony whatever before the Committee on Naval Affairs in regard to any patents on smokeless powder.

Mr. TAWNEY. I have certified copies of them.

Mr. RIXEY. I know nothing of these patents, never saw them, and that question is not material to what we are considering. Admiral Mason was asked the question, "How many factories for smokeless powder have we in this country?" He answered, "We have a factory of our own at Indian Head. We have the International Smokeless Powder Company, the Du Pont Company, the Laflin & Rand Company, and the California Powder Company."

He then states that they have "very close business relations." The fact is that they have an agreement in regard to prices. It is for all practical purposes a trust. It controls the output and price on the sale of smokeless powder. The only protection

the Government has is to place a limit on the price, and that is what the amendment proposes. It is a liberal allowance, and nothing but a monopoly would likely be dissatisfied with the price named. I shall be surprised if this committee shall indicate its unwillingness to place a limit upon the price to be charged by this monopoly. There ought not to be any objection to the adoption of the amendment. It is claimed elsewhere that the powder can be manufactured and sold at 35 to 40 cents. But giving the companies the benefit of all doubt, giving them the benefit of the statement made by the Chief of Ordnance, these companies can make smokeless powder and sell it to the Government at a profit at 60 cents a pound; and the amendment limits it to that price.

Mr. FOSS. Mr. Chairman, I think most of this appropriation goes toward the manufacture by the Government of smokeless powder. I think it is stated somewhere in the hearings, and I was trying to find it.

Mr. RIXEY. I want the limitation here; the provision is for "purchase and manufacture."

Mr. FOSS. I think some portion of it does go to the purchase. I should not want to agree to any action here that would entirely shut the Government out of powder. I hardly think it would be wise to agree to the gentleman's amendment, and I hope that it will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. WILLIAMS. Division, Mr. Chairman.

The committee divided; and there were—ayes 29, noes 40.

Mr. WILLIAMS. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point of order that there is no quorum present. The Chair will proceed to count. [After counting.] One hundred and two Members present. So the point is overruled.

Mr. WILLIAMS. I call for tellers on the amendment.

The question was taken; and tellers were ordered.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSS] and the gentleman from Virginia [Mr. RIXEY] will take their places as tellers.

The committee divided; and tellers reported—ayes 44, noes 63.

So the amendment was rejected.

The Clerk read as follows:

Reserve powder and shell: Toward the accumulation of a reserve supply of powder and shell, \$1,000,000.

Mr. TAWNEY. Mr. Chairman, it was my purpose to offer the same amendment to this paragraph that I offered to the paragraph at the head of this page. But that has gone over, and I ask unanimous consent that this be passed in the same way, without prejudice.

Mr. FOSS. I agree to that.

The CHAIRMAN. The gentleman from Minnesota asks that the paragraph just read be passed without prejudice, to be considered at the same time as the other paragraph which went over under like agreement. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Arming and equipping Naval Militia: For arms, accouterments, signal outfits, boats and their equipment, repairs to vessels loaned to States in accordance with law, coal and clothing, and the printing or purchasing of necessary books of instruction for the Naval Militia of the various States, under such regulations as the Secretary of the Navy may prescribe, \$60,000.

Mr. MEYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 12, line 6, after the word "law," strike out the word "coal" and insert the word "fuel."

Mr. FOSS. I accept the amendment if the gentleman will put in the letter from the Secretary.

Mr. MEYER. This change is recommended by the Navy Department. Many of the launches used in the service of the Naval Militia of the different States require oil instead of coal for fuel. The change does not increase the appropriation.

The Secretary of the Navy approves it, as will appear from the following letter:

NAVY DEPARTMENT,  
Washington, May 2, 1906.

DEAR GENERAL: I respectfully invite your attention to the word "coal" as it appears in line 6, page 12, of H. R. 18750, making appropriations for the naval service for the fiscal year ending June 30, 1907. As several of the States are using launches which require oil instead of coal for fuel, I beg to suggest that the word "fuel" be substituted for the word "coal," so that paragraph will read: \* \* \* "fuel and clothing" \* \* \* instead of \* \* \* "coal and clothing" \* \* \*.

This affects the States of Louisiana, Missouri, California, Illinois, and Connecticut.

Very respectfully,

TRUMAN H. NEWBURY,  
Acting Secretary.

Hon. ADOLPH MEYER, M. C.,

United States House of Representatives, Washington, D. C.

The question was taken; and the amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. COOPER of Wisconsin having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On May 7, 1906:

- H. R. 1340. An act granting a pension to Robert Kennish;
- H. R. 2796. An act granting a pension to Benjamin T. Odiorne;
- H. R. 3333. An act granting a pension to William Simmons;
- H. R. 4264. An act granting a pension to Frances E. Maloon;
- H. R. 4639. An act granting a pension to Joseph E. Green;
- H. R. 6949. An act granting a pension to Alice W. Powers;
- H. R. 6985. An act granting a pension to Susan C. Smith;
- H. R. 7232. An act granting a pension to Alba B. Bean;
- H. R. 7737. An act granting a pension to William H. Winters;
- H. R. 7844. An act granting a pension to Phoebe Keith;
- H. R. 8475. An act granting a pension to John F. Tatthem;
- H. R. 8687. An act granting a pension to William I. Lusch;
- H. R. 8820. An act granting a pension to Inez Talkington;
- H. R. 9046. An act granting a pension to William Berry;
- H. R. 9287. An act granting a pension to Eliza Byron;
- H. R. 9441. An act granting a pension to Clara N. Scranton;
- H. R. 9442. An act granting a pension to Dora C. Walter;
- H. R. 9606. An act granting a pension to Martha Jewell;
- H. R. 9993. An act granting a pension to George W. Warren;
- H. R. 10408. An act granting a pension to Anna E. Middleton;
- H. R. 10424. An act granting a pension to Emanuel S. Thompson;
- H. R. 10775. An act granting a pension to Ellen S. Cushman;
- H. R. 11565. An act granting a pension to Sarah A. Brinker;
- H. R. 11654. An act granting a pension to Emma A. Smith;
- H. R. 11703. An act granting a pension to Laura McNulta;
- H. R. 11898. An act granting a pension to Lars F. Wadsten, alias Frederick Wadsten;
- H. R. 11918. An act granting a pension to Mary A. Weigand;
- H. R. 12099. An act granting a pension to Charlotte A. McCormick;
- H. R. 12715. An act granting a pension to George B. Kirk;
- H. R. 12803. An act granting a pension to Emma C. Waldron;
- H. R. 13217. An act granting a pension to Joshua Barnes;
- H. R. 13726. An act granting a pension to Sarah J. Manson;
- H. R. 14677. An act granting a pension to Reuben R. Balenger;
- H. R. 15321. An act granting a pension to Charles Skaden, jr.;
- H. R. 15431. An act granting a pension to Theresa Creiss;
- H. R. 15569. An act granting a pension to Harriet A. Duvall;
- H. R. 15895. An act granting a pension to Harry D. McFarland;
- H. R. 16520. An act granting a pension to Edward Farrell;
- H. R. 16582. An act granting a pension to Ellen T. Sivals;
- H. R. 16930. An act granting a pension to Virginia A. Hilburn;
- H. R. 16972. An act granting a pension to Harriett L. Morrison;
- H. R. 17151. An act granting a pension to William T. Morgan;
- H. R. 17273. An act granting a pension to Mary B. Watson;
- H. R. 517. An act granting an increase of pension to Luke Waldron;
- H. R. 531. An act granting an increase of pension to Ebenezer Rickett;
- H. R. 601. An act granting an increase of pension to Israel E. Munger;
- H. R. 667. An act granting an increase of pension to George H. Gaskill;
- H. R. 1018. An act granting an increase of pension to Silas Flournoy;
- H. R. 1138. An act granting an increase of pension to Joseph S. Rice;
- H. R. 1151. An act granting an increase of pension to Valentine Bartley;
- H. R. 1245. An act granting an increase of pension to David Rankin;
- H. R. 1375. An act granting an increase of pension to Silas Mosher;
- H. R. 1567. An act granting an increase of pension to Edward Duffy;
- H. R. 1734. An act granting an increase of pension to William H. Lee;
- H. R. 1858. An act granting an increase of pension to James Jacobs;
- H. R. 1893. An act granting an increase of pension to Henry C. Maxwell;
- H. R. 1910. An act granting an increase of pension to Andrew H. Nichols;
- H. R. 1953. An act granting an increase of pension to Susan S. Theall;
- H. R. 2102. An act granting an increase of pension to Eugene Tilburn;
- H. R. 2173. An act granting an increase of pension to Thomas H. Padgett;
- H. R. 2721. An act granting an increase of pension to Ashford R. Matheny;
- H. R. 2731. An act granting an increase of pension to James M. Eddy;
- H. R. 2778. An act granting an increase of pension to Patrick Mahoney;
- H. R. 2794. An act granting an increase of pension to Richard E. Davis;
- H. R. 2801. An act granting an increase of pension to Alexander M. Lowry;
- H. R. 2852. An act granting an increase of pension to James Dayton;
- H. R. 3347. An act granting an increase of pension to Orestes B. Wright;
- H. R. 3419. An act granting an increase of pension to John Biddle;
- H. R. 3430. An act granting an increase of pension to Peter M. Culins;
- H. R. 3456. An act granting an increase of pension to David B. Ott;
- H. R. 3689. An act granting an increase of pension to Charles W. Lyons;
- H. R. 3738. An act granting an increase of pension to Daniel Boughman;
- H. R. 3979. An act granting an increase of pension to Paul Stang;
- H. R. 4230. An act granting an increase of pension to William H. Miles;
- H. R. 4242. An act granting an increase of pension to Mary A. Foster;
- H. R. 4294. An act granting an increase of pension to Annie R. E. Nesbitt;
- H. R. 4350. An act granting an increase of pension to Joseph W. Vance;
- H. R. 4679. An act granting an increase of pension to Franklin D. Clark;
- H. R. 4763. An act granting an increase of pension to John C. Matheny;
- H. R. 5044. An act granting an increase of pension to Hiram G. Hoke;
- H. R. 5178. An act granting an increase of pension to Elijah Pantall;
- H. R. 5274. An act granting an increase of pension to William T. Branam;
- H. R. 5822. An act granting an increase of pension to Miner L. Braden;
- H. R. 5853. An act granting an increase of pension to Quincy Corwin;
- H. R. 5956. An act granting an increase of pension to Joseph H. Wagoner;
- H. R. 6213. An act granting an increase of pension to Hiram Linn;
- H. R. 6238. An act granting an increase of pension to Jesse Woods;
- H. R. 6256. An act granting an increase of pension to Solomon Riddell;
- H. R. 6450. An act granting an increase of pension to Nannie L. Schmitt;
- H. R. 6452. An act granting an increase of pension to William H. Doherty;
- H. R. 6864. An act granting an increase of pension to Henry Good;
- H. R. 6919. An act granting an increase of pension to Joseph A. C. Curtis;
- H. R. 7540. An act granting an increase of pension to William F. Griffith;
- H. R. 7687. An act granting an increase of pension to Charles Hammond, alias Hiram W. Kirkpatrick;
- H. R. 7720. An act granting an increase of pension to Stephen M. Sexton;
- H. R. 7745. An act granting an increase of pension to Wheeler Lindenbower;

- H. R. 7821. An act granting an increase of pension to Mathias Brady;
- H. R. 7837. An act granting an increase of pension to Mary J. McKim;
- H. R. 7902. An act granting an increase of pension to Eugene Orr, alias Charles Southard;
- H. R. 7968. An act granting an increase of pension to Palmetto Dodson;
- H. R. 8046. An act granting an increase of pension to James Thompson Brown;
- H. R. 8157. An act granting an increase of pension to Milton H. Wayne;
- H. R. 8277. An act granting an increase of pension to Samuel S. Garst;
- H. R. 8290. An act granting an increase of pension to Lloyd D. Bennett;
- H. R. 8518. An act granting an increase of pension to Samuel Meadows;
- H. R. 8711. An act granting an increase of pension to James F. Howard;
- H. R. 8778. An act granting an increase of pension to George Henderson;
- H. R. 8780. An act granting an increase of pension to Abraham M. Barr;
- H. R. 9257. An act granting an increase of pension to Nathaniel M. Stukes;
- H. R. 9261. An act granting an increase of pension to William C. Herridge;
- H. R. 9288. An act granting an increase of pension to Catherine E. Bragg;
- H. R. 9415. An act granting an increase of pension to John E. Murphy;
- H. R. 9417. An act granting an increase of pension to George A. Havel;
- H. R. 9556. An act granting an increase of pension to Thomas C. Jackson;
- H. R. 9578. An act granting an increase of pension to Alfred B. Menard;
- H. R. 9601. An act granting an increase of pension to John B. Page;
- H. R. 9627. An act granting an increase of pension to Daniel Craig;
- H. R. 9791. An act granting an increase of pension to Amelia E. Grimsley;
- H. R. 9829. An act granting an increase of pension to William J. Thompson;
- H. R. 9833. An act granting an increase of pension to James C. Miller;
- H. R. 10030. An act granting an increase of pension to Arby Frier;
- H. R. 10161. An act granting an increase of pension to Benjamin R. South;
- H. R. 10173. An act granting an increase of pension to John H. Lockhart;
- H. R. 10250. An act granting an increase of pension to Ephraim Marble;
- H. R. 10358. An act granting an increase of pension to Charles Dorin;
- H. R. 10456. An act granting an increase of pension to William T. Edgemon;
- H. R. 10473. An act granting an increase of pension to John B. Gerard;
- H. R. 10494. An act granting an increase of pension to Hannah C. Reese;
- H. R. 10580. An act granting an increase of pension to Samuel Fish;
- H. R. 10591. An act granting an increase of pension to Sarah A. Scott;
- H. R. 10686. An act granting an increase of pension to George W. Adams;
- H. R. 10727. An act granting an increase of pension to Aquilla M. Hizar;
- H. R. 10881. An act granting an increase of pension to Jerry Edwards;
- H. R. 10924. An act granting an increase of pension to Thomas J. Sizer;
- H. R. 11143. An act granting an increase of pension to Levi B. Noulton;
- H. R. 11306. An act granting an increase of pension to John C. Parkinson;
- H. R. 11348. An act granting an increase of pension to Cynthia Cordial, now Vernon;
- H. R. 11361. An act granting an increase of pension to Thomas Hughes;
- H. R. 11367. An act granting an increase of pension to Manning Abbott;
- H. R. 11374. An act granting an increase of pension to Fanny L. Conine;
- H. R. 11532. An act granting an increase of pension to Andrew J. Speed;
- H. R. 11538. An act granting an increase of pension to Eli Duvall;
- H. R. 11591. An act granting an increase of pension to John B. Hall;
- H. R. 11593. An act granting an increase of pension to Evans Blake;
- H. R. 11606. An act granting an increase of pension to Edmund W. Bixby;
- H. R. 11692. An act granting an increase of pension to John P. Wishart;
- H. R. 11824. An act granting an increase of pension to Jennie P. Starkins;
- H. R. 11907. An act granting an increase of pension to August Danielson;
- H. R. 12017. An act granting an increase of pension to James B. Simkins;
- H. R. 12019. An act granting an increase of pension to Henry Jacob Fox;
- H. R. 12059. An act granting an increase of pension to Mildred W. Mitchell;
- H. R. 12389. An act granting an increase of pension to Isaiah B. McDonald;
- H. R. 12390. An act granting an increase of pension to John W. Raynor;
- H. R. 12407. An act granting an increase of pension to Robert Bivans;
- H. R. 12415. An act granting an increase of pension to Elizabeth Bodkin;
- H. R. 12521. An act granting an increase of pension to Alice Eddy Potter;
- H. R. 12526. An act granting an increase of pension to Solomon Johnson;
- H. R. 12534. An act granting an increase of pension to Richard Reynolds;
- H. R. 12556. An act granting an increase of pension to Joseph W. Coppage;
- H. R. 12663. An act granting an increase of pension to Frederick Friebele;
- H. R. 12755. An act granting an increase of pension to Nathaniel W. Plymate;
- H. R. 12888. An act granting an increase of pension to Jacob Sannar;
- H. R. 12996. An act granting an increase of pension to Eugene B. McDonald;
- H. R. 13139. An act granting an increase of pension to William Walrod;
- H. R. 13171. An act granting an increase of pension to Jonathan K. Porter;
- H. R. 13345. An act granting an increase of pension to Frank Clendenin;
- H. R. 13437. An act granting an increase of pension to Samuel R. Lowry;
- H. R. 13445. An act granting an increase of pension to Thomas T. Blanchard;
- H. R. 13504. An act granting an increase of pension to Elizabeth Thompson;
- H. R. 13730. An act granting an increase of pension to Joseph Shroyer;
- H. R. 13738. An act granting an increase of pension to Henry Hahn;
- H. R. 13741. An act granting an increase of pension to George R. Scott;
- H. R. 13823. An act granting an increase of pension to William Van Keuren;
- H. R. 13840. An act granting an increase of pension to Absalom Shell;
- H. R. 13852. An act granting an increase of pension to Luther S. Holly;
- H. R. 13871. An act granting an increase of pension to William Delaney;
- H. R. 13881. An act granting an increase of pension to Amos Dyke;
- H. R. 13928. An act granting an increase of pension to Harvey Foster;
- H. R. 13961. An act granting an increase of pension to Julius Buxbaum;
- H. R. 14001. An act granting an increase of pension to Nathan S. Ruddock;

H. R. 14116. An act granting an increase of pension to John P. Rains;  
 H. R. 14117. An act granting an increase of pension to William H. H. Fellows;  
 H. R. 14227. An act granting an increase of pension to Anna C. Bassford;  
 H. R. 14299. An act granting an increase of pension to Rose V. Mullin;  
 H. R. 14374. An act granting an increase of pension to Benjamin B. Cahoon;  
 H. R. 14442. An act granting an increase of pension to Esther M. Lowe;  
 H. R. 14498. An act granting an increase of pension to Eliza Davidson;  
 H. R. 14534. An act granting an increase of pension to Jasper N. Harrelson;  
 H. R. 14552. An act granting an increase of pension to Henry Davey;  
 H. R. 14553. An act granting an increase of pension to Jesse Lienallen;  
 H. R. 14566. An act granting an increase of pension to Robert E. McKiernan;  
 H. R. 14657. An act granting an increase of pension to David W. West;  
 H. R. 14688. An act granting an increase of pension to Robert Timmons;  
 H. R. 14698. An act granting an increase of pension to William F. Drake;  
 H. R. 14780. An act granting an increase of pension to John A. Royer;  
 H. R. 14782. An act granting an increase of pension to Michael Manahan;  
 H. R. 14853. An act granting an increase of pension to Helen C. Sanderson;  
 H. R. 14915. An act granting an increase of pension to Andrew W. Tracy;  
 H. R. 14989. An act granting an increase of pension to Arcatie E. Thompson;  
 H. R. 14990. An act granting an increase of pension to Lucius D. Whaley;  
 H. R. 14993. An act granting an increase of pension to Riley M. Smiley;  
 H. R. 15007. An act granting an increase of pension to Henry Hares;  
 H. R. 15011. An act granting an increase of pension to John Eldridge, jr.;  
 H. R. 15024. An act granting an increase of pension to Henry C. Keyser;  
 H. R. 15050. An act granting an increase of pension to William H. Near;  
 H. R. 15061. An act granting an increase of pension to Ethan Allen;  
 H. R. 15119. An act granting an increase of pension to Cornelius Westman;  
 H. R. 15216. An act granting an increase of pension to Truman C. Stevens;  
 H. R. 15240. An act granting an increase of pension to James W. Fowler;  
 H. R. 15256. An act granting an increase of pension to Benjamin F. Greer;  
 H. R. 15277. An act granting an increase of pension to George W. Pierce;  
 H. R. 15380. An act granting an increase of pension to Valentine Gunselman;  
 H. R. 15396. An act granting an increase of pension to John T. Jacobs;  
 H. R. 15415. An act granting an increase of pension to Ann R. Nelson;  
 H. R. 15484. An act granting an increase of pension to Robert Dick;  
 H. R. 15487. An act granting an increase of pension to Truman Aldrich;  
 H. R. 15548. An act granting an increase of pension to Jacob Ferber;  
 H. R. 15616. An act granting an increase of pension to Pleasant Calor;  
 H. R. 15621. An act granting an increase of pension to Caleb M. Tartar;  
 H. R. 15670. An act granting an increase of pension to Daniel E. Durgin;  
 H. R. 15683. An act granting an increase of pension to Thomas Brown;  
 H. R. 15701. An act granting an increase of pension to William Brown;  
 H. R. 15717. An act granting an increase of pension to Ebenezer A. Rice;

H. R. 15780. An act granting an increase of pension to Peter Cole;  
 H. R. 15794. An act granting an increase of pension to Samuel Pepper;  
 H. R. 15835. An act granting an increase of pension to George M. Thompson;  
 H. R. 15840. An act granting an increase of pension to Edgar B. Hughson;  
 H. R. 15863. An act granting an increase of pension to William Louthier;  
 H. R. 15894. An act granting an increase of pension to Alma L. Wells;  
 H. R. 15928. An act granting an increase of pension to Herbert D. Ingersoll;  
 H. R. 15956. An act granting an increase of pension to Walter F. Bean;  
 H. R. 15982. An act granting an increase of pension to Henrietta W. Wilson;  
 H. R. 16023. An act granting an increase of pension to Sheldon B. Fargo;  
 H. R. 16024. An act granting an increase of pension to Katie B. Meister;  
 H. R. 16179. An act granting an increase of pension to William N. J. Burns;  
 H. R. 16182. An act granting an increase of pension to Samuel F. Williams;  
 H. R. 16190. An act granting an increase of pension to James T. Caskey;  
 H. R. 16210. An act granting an increase of pension to Abraham G. Long;  
 H. R. 16250. An act granting an increase of pension to Augustus J. Morey;  
 H. R. 16266. An act granting an increase of pension to Margaret A. Rucker;  
 H. R. 16296. An act granting an increase of pension to Henry C. Coffin;  
 H. R. 16334. An act granting an increase of pension to Enos Day;  
 H. R. 16376. An act granting an increase of pension to Joseph Muncher;  
 H. R. 16428. An act granting an increase of pension to Edwin Hicks;  
 H. R. 16433. An act granting an increase of pension to Marius S. Cooley;  
 H. R. 16437. An act granting an increase of pension to Samuel H. Frazier;  
 H. R. 16442. An act granting an increase of pension to John A. Powell;  
 H. R. 16445. An act granting an increase of pension to Henry H. Sibley;  
 H. R. 16454. An act granting an increase of pension to Samuel E. Carlton;  
 H. R. 16455. An act granting an increase of pension to John Long;  
 H. R. 16504. An act granting an increase of pension to Thomas W. Barnum;  
 H. R. 16514. An act granting an increase of pension to John W. Barton;  
 H. R. 16523. An act granting an increase of pension to Charles P. Hopkins;  
 H. R. 16578. An act granting an increase of pension to Edward Lilley;  
 H. R. 16583. An act granting an increase of pension to David R. Walden;  
 H. R. 16650. An act granting an increase of pension to Robert B. Williby;  
 H. R. 16985. An act granting an increase of pension to Gilson Lawrence;  
 H. R. 17028. An act granting an increase of pension to Lorenzo D. Hartwell;  
 H. R. 17194. An act granting an increase of pension to Jennie White;  
 H. R. 17235. An act granting an increase of pension to Martha Howard;  
 H. R. 17274. An act granting an increase of pension to Andrew J. Mosier;  
 H. R. 17589. An act granting an increase of pension to Sidney A. Lawrence; and  
 H. R. 17608. An act granting an increase of pension to Sidney S. Brewerton.

## NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

## BUREAU OF EQUIPMENT.

Equipment of vessels: For hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; canvas

for the manufacture of sails, awnings, hammocks, and other work; water for all purposes on board naval vessels, including the expenses of transportation and storage of the same; stationery for chaplains and for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship; the removal and transportation of ashes from ships of war; interior appliances and tools for equipment buildings in navy-yards and naval stations; supplies for seamen's quarters; and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments, and repairs to same; libraries for ships of war, professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, and running lights; compass fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps, and their appendages for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; service and supplies for coast-signal service; bunting and other materials for making and repairing flags of all kinds; photographs, photographic instruments, and materials; musical instruments and music; installing, maintaining, and repairing interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate the machinery belonging to other bureaus, \$3,000,000.

Mr. GROSVENOR. I move to strike out the last word, but I yield to the gentleman from Michigan [Mr. LOUD].

Mr. LOUD. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 14, line 20, after the word "chains," insert "specifications for purchase thereof to be so prepared as shall give fair and free competition."

Mr. LOUD. In explanation of this amendment I will say that an investigation of the purchase of the material used at the Boston Navy-Yard for the manufacture of anchors and cables shows that an excessive price is being paid, owing to the unnecessary specifications, which absolutely rule out competition. For the last two years the materials purchased for the making of chains in that yard have been purchased invariably from one concern, to the amount of \$244,000. Upon a reasonable specification, whereby fair competition could be had, at least \$100,000 could be saved in this item, and the wording of the amendment only tends to give fair and free competition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

Mr. RIXEY. Will you allow the amendment to be reported again?

The CHAIRMAN. Without objection, the Clerk will report the amendment again.

The amendment was again reported, and was then agreed to.

Mr. LOUD. I have another amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan offers the following amendment.

The Clerk read as follows:

On page 15, in line 7, after the words "navy-yards," insert "Provided, That anchors, chains, and cordage required shall be purchased in open market, unless all or any part of such material can be manufactured at equal or less cost in the Government shops."

Mr. FITZGERALD. I reserve the point of order on that amendment.

Mr. GROSVENOR. Mr. Chairman, what is the point of order?

Mr. FITZGERALD. That it changes existing law. This is for the manufacture and equipment of articles in the several navy-yards. There is no provision for the purchase in open market.

Mr. GROSVENOR. Mr. Chairman, the navy-yards are running, going enterprises, and this is an appropriation for the purchase of the equipment of the navy-yards under the existing law. It is a limitation upon the expenditure of the money provided in the bill itself. Unfortunately I have not the amendment before me, and I should like to have it read again, if there is no objection.

Mr. TAWNEY. Does the gentleman from Ohio know of any law which requires these things to be constructed in the navy-yards?

Mr. GROSVENOR. I do not.

Mr. TAWNEY. Then how can it change existing law?

Mr. GROSVENOR. It does not change any existing law, and it is simply a limitation upon this expenditure.

Mr. FITZGERALD. There is no law authorizing this to be purchased in open market. This provision will make that law.

Mr. GROSVENOR. It has been suggested that the law of common honesty requires that fairness shall be manifested in the expenditure of this vast sum of money. Here are \$3,000,000 appropriated, and it is very strange if Congress may not put a

limitation upon the manner of its expenditure. Will the Chair accede to my proposition that this amendment be read again?

The CHAIRMAN. If there be no objection, the amendment will be again read.

The Clerk read the amendment again.

Mr. GROSVENOR. Now, Mr. Chairman, I suggest that that amendment should be placed after the word "dollars," in line 6 on the next page. Then it would apply to the entire expenditure of the appropriation. The gentleman from Michigan can make the change, if he sees fit to do so.

Mr. LOUD. I accept the suggestion of the gentleman.

The CHAIRMAN. If there be no objection, the correction will be made in the amendment.

Mr. GROSVENOR. Now, Mr. Chairman, there is no law that requires that these articles shall be manufactured in the navy-yards. It is an annual appropriation of money and this is a direction how it shall be expended. There is, therefore, no change of existing law, for there is no law on the subject, and it is simply a direction or limitation upon the expenditure of this vast sum of money.

Mr. FITZGERALD. Mr. Chairman, I simply desire to call the attention of the Chair to a number of rulings that have been made in which it was attempted to restrict certain expenditures. It has been held that the limitation of the language directing ships to be built in navy-yards or that they be built by contract was new legislation and obnoxious to the rule. If there is no law existing now, this language creates new law, and that is not in order against the objection. If there be a law this changes the law, and that is equally objectionable. This language is mandatory and compels the purchase to be made under certain conditions at certain places, and that is new legislation within the rule.

Mr. TAWNEY. Mr. Chairman, as I understand it, there is no law now directing that these various articles mentioned in this paragraph should be manufactured at any place or in any factory or navy-yard owned by the Government of the United States. Therefore this provision is a limitation—that is, they can not pay any more for these articles than the cost of manufacturing these articles in the factories owned by the Government itself, and to that extent it is a limitation.

Mr. COOPER of Wisconsin. Will the gentleman explain how the Government can tell whether it can make these articles more cheaply than it can purchase them?

Mr. TAWNEY. The Government can ascertain that fact just as any business man can ascertain the cost of any product turned out of any kind of a manufacturing establishment.

Mr. GROSVENOR. If the point of order is overruled we will show you.

Mr. TAWNEY. The point I make is that the expenditure of the appropriation is limited by the proposed amendment—that is, the Government can not manufacture unless it can manufacture them as cheap or cheaper than the Government can go out in the open market and buy them. Without this limitation, and to prove that this is a limitation, if the cost of the manufacture of these articles in the United States Navy-Yard is 25 per cent greater than the cost of them in the open market, they could be purchased or manufactured in the navy-yard at that additional cost. Now, then, if the amendment is adopted the cost is limited either in the navy-yard or in the open market to the price at which these articles can be purchased in the open market.

Mr. COOPER of Wisconsin. Suppose that they wanted to purchase some article of equipment that the Government never manufactured. How can the Government tell that it could make it more cheaply than it could be purchased in the open market?

Mr. TAWNEY. There is no provision in this bill for any article the purchase of which is authorized in this paragraph that the Government has not heretofore purchased and has not heretofore manufactured. Therefore the hypothetical case that the gentleman suggests does not exist.

The CHAIRMAN. The Chair desires to ask the gentleman from Minnesota the question whether this amendment is limited to articles purchased under this appropriation or whether it be not permanent in its character?

Mr. TAWNEY. If the Chair will pardon me, I did not notice from the reading of the amendment whether the language made it permanent law or whether it was a limitation upon this appropriation. Of course if it is in the nature of permanent law it would be subject to a point of order. I inferred that it was a mere limitation.

Mr. GROSVENOR. Mr. Chairman, with the consent of the gentleman from Michigan, I will substitute another amendment for the one that has been submitted that will meet the suggestion of the Chair.

The Clerk read as follows:

*Provided*, That no part of said sum shall be expended in the manufacture in any Government navy-yard of any article of a standard to be fixed by the Department by bids at the solicitation of the Department or by any other means than the Department desire which can be obtained in the free market at a less cost than the cost of manufacture in such navy-yard.

The CHAIRMAN. Does the gentleman from Ohio offer this as a substitute?

Mr. GROSVENOR. I did offer it as a substitute for the amendment offered by the gentleman from Michigan.

Mr. LOUD. Mr. Chairman, I ask unanimous consent to withdraw my amendment and substitute the amendment offered by the gentleman from Ohio.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to withdraw his amendment and offer in place of it the amendment suggested by the gentleman from Ohio. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBERTS. Mr. Chairman, I certainly hope that the amendment offered by the gentleman from Michigan will not prevail. The question of relative cost of chains and so on was gone into quite minutely in the committee, and the testimony of Admiral Manney, the head of the Bureau of Equipment, which Bureau has the making of chains and cables and so on—

Mr. GROSVENOR. Mr. Chairman, the gentleman from Massachusetts is debating the merits of the amendment.

Mr. ROBERTS. I understood that there was no point of order against this amendment.

Mr. GROSVENOR. Then the gentleman is debating the merits of the amendment?

The CHAIRMAN. There is no point of order against the amendment.

Mr. FITZGERALD. Mr. Chairman, I assumed that the point of order that I made to the other amendment applied to this.

Mr. ROBERTS. I desire to speak in opposition to the amendment. If the gentleman from Michigan desires to address the committee in favor of it first, I am willing.

Mr. FITZGERALD. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. FITZGERALD. The point of order has not been withdrawn, Mr. Chairman, to any amendment that was offered.

The CHAIRMAN. But the amendment was withdrawn.

Mr. FITZGERALD. But an amendment was substituted in its place, and the point of order was made against the amendment which was offered at that time.

The CHAIRMAN. The amendment substituted was a different amendment and was made without objection and submitted to the House. The Chair is of opinion that under the circumstances it did not carry with it the point of order which was made to the original amendment.

Mr. FITZGERALD. But I call the attention of the Chair to the fact that under the rule a Member of the House has a right to perfect his amendment before it is acted upon without unanimous consent, and if the gentleman change or attempt to perfect his amendment it is not necessary to renew the point of order every time he modifies his amendment.

The CHAIRMAN. The practice in the Committee of the Whole is that an amendment can not be withdrawn without unanimous consent, and when the amendment is withdrawn and a point of order is pending, that is withdrawn likewise, and a Member may withdraw an amendment for the purpose of offering another covering the same subject, but that does not keep alive the point of order.

Mr. WILLIAMS. But, Mr. Chairman, this amendment was not withdrawn. The question submitted to the House was whether the gentleman would be permitted to amend his amendment by accepting a substitute. The original amendment is before the House amended by a substitute, and the meaning of the two propositions is the same.

Mr. GROSVENOR. The gentleman from Mississippi [Mr. WILLIAMS] did not hear the language of the gentleman from Michigan [Mr. LOUD], who distinctly withdrew his first amendment.

Mr. WILLIAMS. I beg the gentleman's pardon. The Record will show that the gentleman asked unanimous consent to substitute for his amendment the language which the gentleman from Ohio [Mr. GROSVENOR] handed up to the Clerk's desk.

The CHAIRMAN. The question submitted to the committee by the Chair was whether the gentleman from Michigan should have unanimous consent to withdraw the amendment and offer another one in its place.

Mr. WILLIAMS. That may have been the question submitted by the Chair. I did not catch that.

The CHAIRMAN. That was the one that the consent of the committee was obtained to—that proposition.

Mr. WILLIAMS. I did not catch what the Chair submitted, but I either caught or thought I caught a request submitted by the gentleman from Michigan [Mr. LOUD], which was not to withdraw, but to amend.

The CHAIRMAN. The Chair rules that there is no point of order pending to the amendment.

Mr. GROSVENOR. Mr. Chairman, I would now like to suggest to the gentleman from Illinois [Mr. Foss] that this is an important matter which will likely take quite a lengthy time, and in view of that I think the gentleman ought to move that the committee do now rise.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

Mr. POU. Mr. Chairman, I ask unanimous consent to extend in the Record remarks which I made in the House of Representatives on the post-office appropriation bill on April 12.

The CHAIRMAN. The gentleman would have to get consent from the House for that. The Committee of the Whole House would have no authority to grant that request.

The question is on the motion of the gentleman from Illinois, that the committee do now rise.

The question was taken; and the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRUMPACKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the naval appropriation bill and had come to no resolution thereon.

#### ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 13783. An act to provide souvenir medallions for The Zebulon Montgomery Pike Monument Association.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, also, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 8226. An act granting an increase of pension to Laura B. Ihrie;

H. R. 10251. An act granting an increase of pension to Sarah M. E. Hinman;

H. R. 11635. An act granting an increase of pension to Jeremiah Lunsford;

H. R. 15397. An act granting an increase of pension to Edward Gillespie;

H. R. 15687. An act granting an increase of pension to William F. M. Rice;

H. R. 15907. An act granting an increase of pension to Lewis De Laittre;

H. R. 16215. An act granting an increase of pension to Mary Dagenfield;

H. R. 15435. An act to empower the Secretary of War to convey to the city of Minneapolis certain lands in exchange for other lands to be used for flowage purposes; and

H. R. 16521. An act directing the Secretary of the Interior to sell and convey a certain parcel of land to Johnson County, Wyo.

#### ARMY SUPPLIES AT SAN FRANCISCO.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying papers, was ordered to be printed, and referred to the Committee on Appropriations:

*To the Senate and House of Representatives:*

I herewith transmit a letter from the Secretary of War in respect to the situation as to the Army supplies at San Francisco. This letter contains appendices showing the supplies which have been transmitted to San Francisco and their cost, and sets forth the necessity for an additional appropriation of \$500,000, which I recommend be made at once. This is to meet the requirements of the immediate future.

THEODORE ROOSEVELT.

THE WHITE HOUSE, May 8, 1906.

#### ADJOURNMENT.

Then, on motion of Mr. Foss (at 5 o'clock and 1 minute p. m.), the House adjourned until to-morrow, at 12 o'clock m.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17133) to amend section 558 of the Code of Law for the District

of Columbia, reported the same with amendment, accompanied by a report (No. 3924); which said bill and report were referred to the House Calendar.

Mr. POWERS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 19037) to extend the time for the completion of the Alaska Central Railway, and for other purposes, reported the same without amendment, accompanied by a report (No. 3926); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROOKS of Colorado, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the bill of the House (H. R. 224) in relation to the elective franchise, defining offenses against the same, and prescribing punishments therefor, reported the same with amendment, accompanied by a report (No. 3927); which said bill and report were referred to the House Calendar.

Mr. McGUIRE, from the Committee on the Territories, to which was referred the bill of the House (H. R. 17981) to ratify and confirm the act of the legislative assembly of the Territory of Oklahoma passed in the year 1901, authorizing the board of county commissioners of Kay County, Oklahoma Territory, to change the course of Spring Creek, reported the same without amendment, accompanied by a report (No. 3929); which said bill and report were referred to the House Calendar.

Mr. WILEY of New Jersey, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9748) to provide for the further purification of the water supply of the District of Columbia, reported the same with amendment, accompanied by a report (No. 3930); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18959) granting an increase of pension to Albert G. Packer, reported the same with amendment, accompanied by a report (No. 3876); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18678) granting an increase of pension to Evans P. Hoover, reported the same with amendment, accompanied by a report (No. 3877); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18236) granting an increase of pension to Thomas Garrett, reported the same with amendment, accompanied by a report (No. 3878); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18038) granting an increase of pension to E. W. Briggs, reported the same with amendment, accompanied by a report (No. 3879); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18355) granting an increase of pension to Rachel A. Webster, reported the same with amendment, accompanied by a report (No. 3880); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19005) granting a pension to Gideon M. Burris, reported the same with amendment, accompanied by a report (No. 3881); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17528) granting an increase of pension to Edgar Slater, reported the same with amendment, accompanied by a report (No. 3882); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17346) granting an increase of pension to Newton S. Davis, reported the same with amendment, accompanied by a report (No. 3883); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18125) granting an increase of pension to William Griasa, reported the same with amendment, accompanied by a report (No. 3884); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18310) granting an increase of pension to Virgil A. Bayley, reported the same with amendment, accompanied by a report (No. 3885); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18509) granting an increase of pension to Ellen L. Stone, reported the same with amendment, accompanied by a report (No. 3886); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18976) granting an increase of pension to Nelson S. Preston, reported the same with amendment, accompanied by a report (No. 3887); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17476) granting an increase of pension to Henry Ballard, reported the same with amendment, accompanied by a report (No. 3888); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18121) granting an increase of pension to John W. Jones, reported the same without amendment, accompanied by a report (No. 3889); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18702) granting an increase of pension to Edward B. Prime, reported the same with amendment, accompanied by a report (No. 3890); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16188) granting a pension to Edward C. Bowers, reported the same with amendment, accompanied by a report (No. 3891); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3495) granting an increase of pension to Charles F. Tower, reported the same without amendment, accompanied by a report (No. 3892); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5911) granting a pension to Edward D. Lockwood, reported the same with amendment, accompanied by a report (No. 3893); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16842) granting an increase of pension to Thomas H. Thornburgh, reported the same with amendment, accompanied by a report (No. 3894); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16496) granting an increase of pension to Thomas Daily, reported the same with amendment, accompanied by a report (No. 3895); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16682) granting an increase of pension to William Hammond, reported the same without amendment, accompanied by a report (No. 3896); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15288) granting an increase of pension to Benjamin F. Finical, reported the same with amendment, accompanied by a report (No. 3897); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15613) granting an increase of pension to William W. Combs, reported the same with amendment, accompanied by a report (No. 3898); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16073) granting an increase of pension to John Ginther, reported the same without amendment, accompanied by a report (No. 3899); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13443) granting an increase of pension to James E. Hammontree, reported the same with amendment, accompanied by a report (No. 3900); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11457) granting

an increase of pension to Cyrus Van Matre, reported the same with amendment, accompanied by a report (No. 3901); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10828) granting a pension to Michael Lennon, reported the same with amendment, accompanied by a report (No. 3902); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12418) granting an increase of pension to Thomas P. Crandall, reported the same without amendment, accompanied by a report (No. 3903); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12336) granting an increase of pension to Margaret A. Montgomery, reported the same with amendment, accompanied by a report (No. 3904); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11057), granting an increase of pension to Lewis J. Post, reported the same with amendment, accompanied by a report (No. 3905); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12249) granting an increase of pension to John T. Wise, reported the same with amendment, accompanied by a report (No. 3906); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8894) granting an increase of pension to James C. Strong, reported the same with amendment, accompanied by a report (No. 3907); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8817) granting an increase of pension to Calvin Latham, reported the same with amendment, accompanied by a report (No. 3908); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8232) granting an increase of pension to James M. Jared, reported the same with amendment, accompanied by a report (No. 3909); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7402) granting an increase of pension to Edwin M. Todd, reported the same without amendment, accompanied by a report (No. 3910); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8155) granting an increase of pension to Henry E. Seelye, reported the same without amendment, accompanied by a report (No. 3911); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18628) granting an increase of pension to William E. Chambers, reported the same with amendment, accompanied by a report (No. 3912); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17934) granting an increase of pension to Thomas J. Byrd, reported the same without amendment, accompanied by a report (No. 3913); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6596) granting an increase of pension to A. O. Huffman, reported the same with amendment, accompanied by a report (No. 3914); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5040) granting an increase of pension to Joseph Montgomery, reported the same with amendment, accompanied by a report (No. 3915); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6505) granting an increase of pension to Mary C. Chapman, reported the same with amendment, accompanied by a report (No. 3916); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5958) granting an increase of pension to Allen L. Garwood, reported the same with amendment, accompanied by a report (No. 3917); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6059) granting an increase of pension to Elias Hanes, reported the same with amendment, accompanied by a report (No. 3918); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1614) granting an increase of pension to Jacob H. Lynch, reported the same with amendment, accompanied by a report (No. 3919); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1736) granting an increase of pension to Charles A. Walker, reported the same with amendment, accompanied by a report (No. 3920); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2265) granting an increase of pension to Hudson J. Van Scoter, reported the same with amendment, accompanied by a report (No. 3921); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2247) granting an increase of pension to Anthony Sanspeur, reported the same with amendment, accompanied by a report (No. 3922); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3488) granting an increase of pension to Egbert J. Olds, reported the same without amendment, accompanied by a report (No. 3923); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 19003) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and to provide for the payment of French spoliation claims recommended by the Court of Claims, under the provisions of the acts approved January 20, 1885, and March 3, 1891, and for other purposes, reported the same with amendment, accompanied by a report (No. 3925); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9238) for the relief of William Saphar, reported the same without amendment, accompanied by a report (No. 2928); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 19074) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898—to the Committee on the Judiciary.

By Mr. SULZER: A bill (H. R. 19075) to remove the duty on hides—to the Committee on Ways and Means.

By Mr. GREENE: A bill (H. R. 19076) to regulate the salaries of letter carriers in free-delivery offices—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: A bill (H. R. 19077) authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RUCKER: A bill (H. R. 19078) requiring and providing for publicity of all contributions hereafter made to political committees to aid or promote the success or defeat of candidates for the office of Representative in or Delegate to the Congress of the United States or to be used at or in connection with any general election at which such candidates are to be voted for—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. CAMPBELL of Kansas: A resolution (H. Res. 424) directing the Secretary of Commerce and Labor to inquire into the cause of fatal railway accidents within the past four years—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of New Jersey: A resolution (H. Res. 425) authorizing the appointment of a clerk to the Committee on Immigration and Naturalization—to the Committee on Accounts.

By Mr. BROWNLOW: A resolution (H. Res. 426) authorizing the appointment of a clerk to the House document room—to the Committee on Accounts.

By Mr. LITTLEFIELD: A resolution (H. Res. 427) referring to the Court of Claims the bill H. R. 15810—to the Committee on Claims.

By Mr. WILLIAMS: A memorial of the legislature of the State of Mississippi, memorializing Congress to broaden and extend foreign markets for cotton and cotton goods—to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 19079) granting a pension to Phoebe Templeton—to the Committee on Invalid Pensions.

By Mr. BARTHOLOTT: A bill (H. R. 19080) granting an increase of pension to Frederick Fienop—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 19081) granting an increase of pension to Eliza J. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19082) granting an increase of pension to John H. Grisson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19083) granting an increase of pension to William Glenn—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 19084) granting an increase of pension to Charles S. Anderson—to the Committee on Pensions.

Also, a bill (H. R. 19085) granting an increase of pension to W. F. Shoemate—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 19086) granting an increase of pension to Charles Eiserman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19087) granting an increase of pension to Charles Haggett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19088) granting an increase of pension to Nesbit Wiggins—to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 19089) granting an increase of pension to Anna E. Hughes—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 19090) granting an increase of pension to James L. Rowden—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 19091) granting an increase of pension to Ernst Langeneck—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 19092) granting an increase of pension to Jonathan M. Riffe—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 19093) granting an increase of pension to Barnard J. Erwin—to the Committee on Pensions.

By Mr. HEPBURN: A bill (H. R. 19094) granting an increase of pension to John Henry—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 19095) granting an increase of pension to Benjamin Hains—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19096) granting an increase of pension to Joseph Goddard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19097) granting an increase of pension to Samuel N. Pethick—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 19098) granting an increase of pension to Sarah Young—to the Committee on Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 19099) granting an increase of pension to Columbus Cox—to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 19100) granting an increase of pension to Asa G. Brooks—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 19101) granting an increase of pension to Sarah C. A. Scott—to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 19102) for the relief of Samuel Y. B. Williams, of Chattanooga, Tenn.—to the Committee on War Claims.

By Mr. OLMSTED: A bill (H. R. 19103) granting an increase of pension to William Presley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19104) granting an increase of pension to Jacob Witmer—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 19105) granting an increase of pension to William Moser—to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 19106) granting an increase of pension to Margaret Epperson—to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 19107) granting an increase of pension to Mary Ann Cody—to the Committee on Pensions.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 14634) for the relief of George H. Chase, and it was referred to the Committee on Naval Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURTON of Delaware: Petition of Capital Grange, Dover, Del., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD: Petition of Giles E. Miller, Times-Echo, Arkansas, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of the United Boiler Makers and Iron-ship Builders of North America, for the Merchant Marine Commission shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMILTON: Petition of citizens of Dowling, Mich., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. HARDWICK: Paper to accompany bill for relief of Mary Navy—to the Committee on Pensions.

By Mr. HEFLIN: Petition of the Interdenominational Missionary Union of Washington, D. C., against Sunday opening of the Jamestown Exposition, by contract, as at St. Louis—to the Select Committee on Industrial Arts and Expositions.

Also, petition of the Woman's Interdenominational Missionary Union, for the Wadsworth bill, amended with the provisions of the Hefflin bill, to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the East Brookland Citizen's Association, favoring the separate car system for Washington, D. C.—to the Committee on the District of Columbia.

By Mr. LAMB: Petition of Goodwill Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Y. B. Williams—to the Committee on War Claims.

By Mr. OLMSTED: Petition of citizens of Mechanicsburg, Cumberland County, Md., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. REYNOLDS: Petition of the Sinking Valley Presbyterian Church, Arch Spring, Pa., for prohibition of polygamy—to the Committee on the Judiciary.

By Mr. THOMAS of Ohio: Petition of the United Commercial Travelers, against consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Ohio, against bill S. 529 (the ship-subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. TOWNSEND: Petition of citizens of Michigan, against bill S. 529 (the ship-subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

#### SENATE.

WEDNESDAY, May 9, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

#### STATUE OF THOMAS JEFFERSON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, on behalf of the Commission created by the sundry civil appropriation act of April 28, 1904, reporting that the selection of a site in the District of Columbia for the statue of Thomas Jefferson and the procuring of plans and designs have been delayed by the death of the late Secretary of State, Mr. Hay, but that the Commission has secured the consent of Mr. Augustus St. Gaudens to make designs for the proposed statue as soon as engagements permit, and that they will be transmitted to Congress without any unavoidable delay thereafter; which was referred to the Committee on the Library, and ordered to be printed.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 4546. An act ceding to the city of Canon City, Colo., certain lands for park purposes;